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The Problems of Economic Pressure on Soviet Bloc Countries

ECONOMIC RELATIONS BETWEEN EASTERN AND WESTERN EUROPE

by *Harold F. Linder*

*Deputy Assistant Secretary for Economic Affairs*¹

Today I want to outline some of the problems inherent in East-West economic relations and to touch upon some of the political aspects involved.

First, I think it is important to remember that the problem of economic relations between Eastern and Western Europe is inseparable from the broader general problem of political relations between East and West. In other words, European economic problems cannot be considered in purely economic terms.

Immediately following World War II, a sincere effort was made to solve Europe's economic problems through international economic cooperation. The Soviet Union, for reasons of its own, chose not to cooperate in these efforts.

In contravention of the Yalta Agreement to re-establish independent governments in Eastern Europe, the Soviet Union proceeded quickly to extend its economic and political domination in that area. The Communist coup in Czechoslovakia in February 1948 demonstrated in an unmistakable fashion Soviet intentions.

When the Marshall Plan was proposed in 1947, the Soviet Union refused even to participate in discussions of European reconstruction, and it also forbade its satellites to take any part. Instead, the leaders in the Kremlin directed their efforts toward wrecking the European Recovery Program.

The Soviet Union, as part of its current "peace offensive," would have us forget that these things

ever happened. They now softpedal the events that have led to a deterioration of political relations, and talk in purely economic terms about the desirability of expanding East-West trade. But economic objectives have never been divorced from political objectives in the Soviet scheme of things. Domestically, the Soviet leaders deny their citizens the fruits of hard labor by straining every resource in development of their war potential. In Europe itself, the men in the Kremlin are perfectly willing to subordinate economic progress to their program of expanding and consolidating their power over independent nations. Witness, for example, the decision to cut off economically justifiable trade with Yugoslavia for purely political reasons.

As a result Western Europe must and does examine all economic problems from the standpoint of their possible effect on the relative strength of East and West. At the same time, however, Western Europe longs for a world where economic problems could be tackled exclusively on the basis of economic logic and they feel that abandonment of all pretense of normal commercial relationships with the Soviet Bloc would be tantamount to recognizing that the conflict between East and West is insoluble and war inevitable.

Western Europe's Cooperation in Protection of Essential Trade Interests

This is not to say that the Western European countries have not been willing to take necessary economic security measures of a clearly defensive character. They have. Since 1949 the major trading countries of Western Europe have been cooperating closely with one another and with the United States and Canada in developing and carrying out security controls over exports of strategic goods to Iron Curtain countries. For a con-

¹ Based on an address made before the National Conference on U.S. Foreign Policy on Oct. 30 and released to the press on Oct. 31. The Conference, assembled on Oct. 30 and adjourned on Nov. 1, was the ninth in a series of consultative meetings held between Department officials and representatives of approximately 200 national organizations which over a period of time had indicated a continuing interest in international affairs.

siderable period of time, there has existed in Paris an intergovernmental committee on security export controls which sits in almost continuous session to deal with East-West trade questions affecting the common security. These Western European countries have for a long time been embargoing shipment of war matériel and atomic energy items. There is an internationally-agreed list of other items of primary strategic importance which they also embargo—a list, incidentally, which includes approximately 95 percent of the items on the U.S. primary strategic lists. They also restrict exports to the Soviet Bloc of goods agreed to be of secondary strategic importance—that is, goods which, if shipped in quantity would make a significant contribution to Soviet Bloc war potential. In addition, discussions in the Paris committee have led to the recent adoption of a special system of documentation designed to bring transit trade under more effective international control. This should help deal with the problem of strategic shipments to the Soviet Bloc which arise out of illegal transactions or as a result of transactions in which goods are diverted to the Bloc while in transit from one Western country to another, especially shipments through free ports or in bond.

In short, the Western European countries have taken substantial measures to protect their—and our—essential security interests in their trade with the Iron Curtain countries. These measures, it should be emphasized, have been adopted voluntarily.

At the same time, Western Europe firmly draws the line against going so far as to engage in what they consider to be economic warfare. Just where one draws the line is, of course, a matter of judgment. Involved also are calculations based on Western Europe's need to sustain its economic strength and its defense effort by importing certain essential commodities from Eastern Europe. While we may disagree with them about these matters, among allies there must be mutual respect for sincere differences of judgment if the cooperative effort under General Eisenhower is to be successful.

To understand the nature of this East-West trade problem, we must have in mind certain significant facts which indicate the essentiality of this trade to the West.

In 1950 Western Europe exported about 700 million dollars worth of goods to Soviet Bloc countries and imported about 800 million dollars worth. This was less than one-half the prewar volume of East-West trade. It represents about 3 percent of Western Europe's total foreign trade.

While this is but a very small percentage of Western Europe's total trade, the relative importance of trade with the Bloc varies widely from one Western European country to another. It ranges from 16 percent of total trade in the case of Austria to one percent in the case of France.

About half the value of Western Europe's imports from the Soviet Bloc is accounted for by

three basic commodity groups: coal, grain, and timber. The significance of these major import items from the Bloc varies for individual Western European countries, but in the case of many countries they are an important part of total imports from the East.

In 1950 Western Europe obtained 11 million tons of coal from the European Soviet Bloc, most of it from Poland. While this quantity was only slightly more than 2 percent of Western Europe's domestic production, Denmark obtained 40 percent of all the coal it consumed that year from the Bloc.

One quarter of Western Europe's bread grain supplies, or 13 million metric tons, were imported in 1950-51. The Soviet Bloc furnished about 1 million tons of this quantity, and Norway relied on these supplies to provide 36 percent of its total requirements. In the same period Western Europe imported about 7 million metric tons of coarse grains for livestock feeding. One and one half million tons of this came from behind the Iron Curtain, a quantity which could not readily be replaced from other sources.

Western Europe depends upon imports for roughly 20 percent of its supplies of sawn softwood, about a quarter of which is imported from the Soviet Bloc.

While there is advantage to the West in such trade, there must of course be a reason why the Soviets carry it on. The Soviet leaders are engaged in forging as self-sufficient a Bloc as possible. Accordingly, the East makes exports only to the extent necessary to pay for desired imports from the West. Imports the Bloc desires are largely capital goods for its heavy industry and certain metals and minerals in which it is still deficient.

East-West trade is therefore governed by hard bargaining. To obtain the basic commodities it needs, a Western European country must agree to supply something which the Soviet Bloc country desires. The bargaining position of many Western European countries is thus often difficult, depending upon the range of goods produced by the Western European country in question.

The Problem of Export Controls

Before I go on to discuss the policy aspects of East-West trade, I should like to place the problem of export controls in its proper context of broader foreign policy objectives.

Today, it has become of paramount importance to increase the economic strength and military preparedness of the free nations of the world. The free world must be made strong enough to deter aggression and if necessary to resist it. We pursue this objective through our aid programs, through building up the North Atlantic Treaty Organization, through the United Nations, and through other major channels of our foreign policy. Our effort to limit the shipment of strate-

gic items to the Soviet Bloc is an important part—but only one part—of this broad program of action.

The real objective of export control policy could, therefore, be summed up as a desire to increase the strength of the free world relative to that of the Soviet world. When trade takes place between Western and Eastern Europe, we want to make sure that the balance of advantage in it lies with our Allies in the West. As the President said in commenting on the Kem amendment, "The problem of trade between the Soviet Bloc and the free world is thus a matter of evaluating, in terms of relative importance, what the free world gets from the Bloc for what it must give in return."

Thus, I think it is fair to say that the basic policy problem for the United States in this field is to avoid taking actions which will hurt ourselves more than the Soviets. To accomplish this, it is necessary to provide for proper public understanding of the need for flexible legislation in the field of East-West trade controls.

The American public finds it difficult to understand why Western European countries should not take the same actions as the United States in their trade relations with the Soviet Bloc. It is frequently overlooked that the United States and Canada are not directly dependent upon the Soviet Bloc for essential imports and therefore have little to gain from commerce with that area. Many of the Western European countries do, on the other hand, depend upon the Soviet Bloc for essential commodities.

The feeling that Western Europe should adopt an export control policy as restrictive as that followed by the United States has resulted in three successive pieces of recent legislation, all based on the principle that termination of aid should be used as a lever to secure parallel control policies. The first of these was the Cannon amendment, enacted in September 1950, which provided for termination of aid whenever the trade of a country was contrary to the security interests of the United States.

The Kem amendment, enacted June 2, 1951, provided for termination of economic and financial aid whenever countries permitted shipment to the Soviet Bloc of any item appearing on a list of 1700-odd categories of commodities certified by the Secretary of Defense as articles which "may be used in the manufacture of arms, armaments, or military material" or which the United States itself prohibits to the Soviet Bloc. Exceptions were possible upon official determination by the National Security Council that such exceptions would be in the security interest of the United States. While this legislation provided for exceptions in the national interest, it did not provide sufficient flexibility to serve as a satisfactory basis for our security export control relationships with other friendly countries. In signing the Kem amendment, the President appealed for the enactment of

improved legislation to replace the Kem amendment at an early date.

The Battle Act (the Mutual Defense Assistance Control Act of 1951) has now replaced the Kem amendment. It was signed into law by the President on October 26. This Act is the result of extended hearings by a special subcommittee of the House Foreign Affairs Committee and is designed to replace the Kem amendment with a longer-term type of legislation. The Battle Act requires the Mutual Security Director to draw up lists of strategic goods which will differentiate between categories of different strategic importance. It provides for the termination of aid under rather carefully defined rules which are related to the relative strategic importance of the commodities involved. The legislation also provides for exceptions under carefully defined principles and envisages sufficient flexibility to assure that the advantages to the free world arising from trade with the Soviet Bloc are maximized.

Need for Flexibility in Trade Legislation

East-West trade is not a black and white proposition. It is not possible to lay down blanket rules covering the situation in every country receiving United States assistance. The trade situation varies from country to country and is different at different times. Legislation on this subject must make allowance for trade which, on balance, is in the national interest of the United States. The present legislation to which I have referred briefly does provide in substantial measure the necessary flexibility. However, in addition, there must also be a widespread public appreciation that use by the Executive Branch of these provisions for flexibility is not an attempt to evade the intent of the legislation, but is genuinely necessary to promote the total security of the United States and the defense of the free world.

The need for flexibility can be illustrated in a number of ways. Take the situation of Norway, for example:

Norway's trade with the East, if analyzed in terms of the types of goods considered important enough to be subject to United States export licensing, indicates that Norway received a total of such goods approximately equal in value to what she shipped to the Soviet Bloc. In addition, Norway received from the Bloc coal and grain valued at \$18,143,000 and 31,000 tons of manganese ore. On the other hand, the Soviet Bloc represents a market for 80 percent of Norway's exports of salted and frozen herring, products which are not easily saleable in the West but which are a major Norwegian export.

This trading relationship is of real economic and strategic advantage to Norway. The price which Norway paid for such an advantageous arrangement was to permit the export of a limited

quantity of aluminum. The export of aluminum to the Soviet Bloc in 1950 was the principal bargaining item which enabled Norway to obtain needed imports, including manganese ore, from the East.

It is to judge just such situations that flexibility is required to deal with the problem of East-West trade.

This need for flexibility in legislation is great, not only because the major trading countries receiving United States assistance already cooperate with us on security export controls and do so on a voluntary basis, but because their problems require our understanding if we are to help them and ourselves. I have referred previously to the fact that there is an informal organization through which the major Western European countries develop a cooperative policy on trade controls. This is a multilateral effect. Successful progress in this effort rests on mutual cooperation, rather than dictation by any one country. In carrying out our United States legislation in this field, we must be careful that we do not move from a position of cooperative leadership to one of unqualified imposition of our judgment on friendly countries.

The agreements on security trade controls are an integral part of the defense plans of the free world. So long as the program is kept on a voluntary and selective basis, it will meet with the full support of the participating countries. It would do injury to the national security of the United States, however, if unilateral actions by the United States convinced other countries that the United States in fact wished to replace the existing multilateral system with a unilateral United States policy of coercion.

Economic Measures as a Means of Allaying Communist Aggression

by William L. Thorp
*Assistant Secretary for Economic Affairs*¹

We all know that the major effort in Korea is being made by the foot soldiers of the United States and other U.N. countries who have slugged it out in places like Heartbreak Ridge and by the U.N. Air Forces in their bombing and their jet sorties with the MIG's. But there are important economic steps which support the military operations. One of these is the speeding up of mobilization and defense production here at home. Another is depriving the aggressors of the things they need to wage war.

China and North Korea, like all other countries,

¹Remarks made on "Battle Report" over NBC Television Network on Nov. 4 and released to the press on the same date.

are dependent upon the outside world for certain things they need. However, China is not a country whose needs from the outside are so essential that a complete economic embargo would stop the fighting in Korea. China's own production, supplemented by the things which are being supplied by the Soviet Union, makes our enemies in Korea fairly self-sufficient in meeting their military requirements. Nevertheless, life is being made much more difficult for them through economic pressure, with the pinch really being felt on such items as petroleum, cotton, and transportation equipment.

Even before the war in Korea, the United States was restricting its exports to China. In 1949, when the Chinese Communists first gained control of ports on the Chinese coast, we immediately applied restrictions on highly strategic items such as were already in effect against the Soviet bloc. Then, when the North Koreans invaded South Korea, we slapped an embargo on the shipments of *all* items of strategic value. When the Chinese Communists intervened, United States trade with China was stopped entirely; Chinese Communist assets in this country were frozen; and our ships were forbidden to call at ports on the Chinese mainland. The progressive cutting off of trade with China meant that that country was deprived of such essential imports from us as raw cotton, chemicals, machinery, petroleum products, and metals.

Since 1949 the Western European countries and Canada have been restricting their trade in strategic materials with the Soviet Union and its satellites, and they also extended their controls to cover Communist China and North Korea. Japan, too, tightened its trade controls. The Government of Hong Kong began applying real controls in August 1950 and has progressively extended their scope and severity. Japanese and Hong Kong controls are very important since, historically, Japan has traded actively with China, and because Hong Kong is the main transshipment point in the area.

After the Chinese intervened in the Korean war, the General Assembly of the United Nations considered economic action against the aggressors. In May it adopted a resolution recommending that *every* country—not only those which are members of the United Nations—should apply an embargo on shipments to areas under control of Communist China and North Korea of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition, and implements of war. This resolution was sent to members of the U.N. and to 23 nonmembers as well. Some of them do not have any trade with China anyway. Forty-three countries have accepted the resolution and are actively applying it. And among those 43 countries are all of the principal suppliers of

strategic items to China, except, of course, the Soviet bloc countries. Naturally, the Soviet Union and its satellites rejected the resolution. In addition to controls on commodities, a number of important shipping nations have imposed controls over the use of their ships in trade with Communist China.

How Our Foreign Policy is Working

by *Eugenie Anderson*
*Ambassador to Denmark*¹

Since 1945 the American people have engaged in a vast and diverse program for the economic and political rehabilitation of Europe and for the reconstitution of the European capacity for self-defense. This program has put an economic and psychological burden on the American people that we all have felt deeply in many ways. It is natural for us to ask if it has been worth it. This great project has represented something entirely novel for the American people, contrary to its old traditions, and arising as a consequence of two great European and world wars in which the United States has played a decisive role. This program has meant a type of collaboration and association with the European countries in peacetime, which is new to the American people. It is natural then—and it is healthy—for Americans to wonder about the value and effectiveness of this program.

The purposes of our policies are well-known. We have been seeking to establish in Europe the conditions prerequisite for a durable peace. Such a peace cannot be attained without an economically healthy and militarily sound Europe, to say nothing of the basic necessity for moral and psychological well-being. It has been in our own self-interest that Europe should once again be so constituted, particularly from the military aspect, whose urgency has been brought home to us so strongly in the past year. It is to our own elementary self-interest that Europe be able to defend itself successfully against aggression and the threat of aggression that unfortunately hangs over us all. Yet I would ask you not to forget nor to belittle the generous and idealistic purposes in the first forms of the aid programs after the end of the war in 1945: in UNRRA, in the interim relief pro-

The United Nations embargo will be discussed at the General Assembly in Paris this month. This operation has a double value. It helps to limit the military strength of the aggressor in Korea, and it demonstrates that the free nations are willing to stand together to fight aggression both on the battlefield and in the market place.

gram in occupied and liberated areas, and in the ECA. It was a generous purpose, and a very American purpose, to want to bind up the wounds, to bring aid and comfort to the suffering and the dispossessed, and to lend a helping hand for the restoration and improvement of economic conditions. The cynics talk with derision about Uncle Santa Claus. The more serious-minded critics say "charity begins at home." It does begin at home. There must be constantly a careful weighing of the resources at hand, the needs at home, and the good that can be done abroad. Of course there is, and should be, a limit to generosity. But there is a tradition of generosity, philanthropy, and humanitarianism which has been one of the excellencies of American life. This great tradition played a considerable role in our postwar-aid programs; it should not be forgotten nor derided, particularly now when other purposes are coming to the fore. Insofar as is possible within the bitter framework of contemporary demands, requirements, obligations, and purposes of other kinds, we must continue to keep in being some clear expressions of that generous tradition. I hope it shall be done and I believe it will be done.

Do the Europeans appreciate our postwar aid? Do they envy us or hate us for our well-being? I would not like to have to make any generalizations on the subject of human gratitude. I would not be able to say exactly how many Europeans are ignorant of American aid, how many are resentful, or even how many are sometimes grateful. When we are considering the question of U.S. policy in Europe and the U.S. aid programs since 1945, there are many questions that naturally spring to our minds. I want to discuss with you a few of these questions. There are many others, but there are four basic questions which I will discuss tonight, in each case with particular reference to Denmark (1) To what extent have our aid programs been effective? (2) What about Western

¹ Excerpts from an address made at the University of Minnesota, Minneapolis, Minn., on Oct. 26 and released to the press on the same date.

European unity? (3) Is Europe doing its share in the defense effort? and (4) Can we depend on our European allies?

Extent of U.S. Aid Plus Danish Efforts

To what extent has our aid program been effective in Denmark? Denmark was occupied by the Nazis for 5 years from April 9, 1940, to May 5, 1945. Although Denmark may not have suffered under occupation as much as other countries, nevertheless it emerged in dire straits, economically and spiritually. The Nazis had milked the Danish economy for 5 long years. Agriculture, the economic mainstay of the country, was in a seriously depleted state. Livestock numbers were greatly reduced; agricultural production was at a low level. The fields had been starved for the necessary fertilizer. Farm machinery had not been replenished during the war and was in poor shape and insufficient in quantity. The national debt, as a result of the occupation, had grown from 1,200 million crowns to 11,500 millions. Two hundred and fifty thousand German refugees had poured into the country during the closing few weeks of the war and remained a burden on the Danish budget for several years until they could be repatriated.

What have our aid programs given to Denmark? From 1945 to September 1951, Denmark has received directly from the United States in grants and loans around 287 million dollars, of which 235 million consisted of grants extended under the ECA. The remaining 52 million were in the form of loans by the ECA and the Export-Import Bank. One-third of the ECA funds has been utilized to assist in the rehabilitation of Danish agriculture by financing imports of feed-stuffs and farm machinery. The remaining two-thirds have been used primarily for industry to provide imports of fuel, other industrial raw materials, and machinery. It is also pertinent to recall that the Danish economy received considerable benefit indirectly from the American loan to Britain in 1946, which enabled the Danes to convert some sterling earnings into urgently needed dollars. Danish reconstruction was greatly facilitated by this indirect assistance prior to the beginning of ECA aid in 1948.

What has happened in the Danish economy since 1945? Livestock production has been increased 70 percent over its prewar level in 1935.

Industrial production has been increased 100 percent since the same period.

Foreign trade, which provides the life-blood of the Danish economy, has increased correspondingly; the volume of imports has increased 150 percent from 1946 to 1951 and the volume of exports has increased 260 percent.

But I do not want you to think that the differences in the Danish economic conditions between 1945 and 1951 are a result only of U.S. aid. They

are a result primarily of Danish efforts, assisted by improved conditions in the other European countries as a result of the efforts of these countries, and aided also by the U.S. material contribution to Denmark under its postwar-economic programs, as well as indirectly through U.S. aid to the other European countries. The economies of the European countries are related. By helping one country, we have helped the others. By giving a measure of aid to them all, we have aided them all to help themselves, and one another.

Relation of Denmark to European Unity

That brings me to my second question. What about European unity? Are the European countries cooperating economically and politically? Are the artificial barriers of narrow economic and political nationalism being broken down? It is particularly useful to discuss this question from the Danish standpoint. The Danes are sometimes regarded along with the other Scandinavians and the British as reluctant and hesitant parties to European unity. It is true that the Danes among others have opposed the efforts of the so-called "federalists," those who have sought to introduce at once a political federation in Europe and to establish in the Council of Europe at Strasbourg a super-Parliament. The Danish Government and political leaders have not believed that the situation is ripe for the immediate institution, in a political form, of a united Europe. It is their view that political realities impose the necessity of a gradual evolution and functional progress toward European union. The integration of Europe can only be accomplished, in their opinion, in a piecemeal way by the development of separate functional organizations. At the same time, the Danes have not been reluctant in the support of these organizations.

Perhaps the major functional organization in the direction of European unity is the Organization for European Economic Cooperation (OEEC), which was established in connection with U.S. economic aid under the Marshall Plan. Its aim is to coordinate the economic efforts of the participating European countries, in the interest of the increased well-being of them all.

To this end, it has progressively brought about the removal of restrictions and the liberalization of trade among the participating countries; it has also organized the European Payments Union which is facilitating the development of multi-lateral trade by making European currencies largely interchangeable. It has also sought a harmonization of domestic financial and economic policy among the countries. The work of the OEEC has been by and large very successful. The OEEC has introduced a type of inter-European economic cooperation that the Europeans will want to continue.

There are two other functional organizations of

major significance which it appears may soon be established. Both of these have been, in their inception, stimulated by discussion in the Council of Europe, and it is anticipated that they will both be correlated in one way or another with the Council. I am referring to the European coal and iron organization under the Schuman Plan and to the European defense community or European Army. In neither of these projects have the Danes been direct participants. They are not producers of either coal or iron and so could not well be direct participants in the Schuman Plan discussion. However, they are consumers; a considerable portion of the coal necessary for the Danish economy and for surviving the long Danish winter comes from Germany; they have vital interests of consumers in the development of the Schuman Plan, and they anticipate that they will be able to represent their consumer interest in some organized way under the plan.

With respect to the European Army, the Danes have been observers rather than direct participants in the discussions, on the grounds that with their limited resources and their obligations under the North Atlantic Treaty, they were in no position to contribute troops to a European army. With respect to both these projects, many Danes were initially a bit skeptical—were not many of us also?—but now that the prospect of their accomplishment seems real, thinking Danes are greeting them with growing enthusiasm.

There are two noteworthy elements in this enthusiasm. With respect both to the Schuman Plan and the European Army, the Danes find therein the prospective achievement of the definitive basis for a continued French and German cooperation and amity. French-German unity of purpose, economic, political, and military, is still the key to Western European peace and to Western European strength. Secondly, if the Schuman Plan is ratified by the governments concerned, with its operation being correlated to the work of the Council of Europe and if the European defense community is established, likewise with a correlation to the council, the importance of the Council of Europe will at once grow, as will the prospects for an eventual European union.

As soon as the Council of Europe becomes engaged in, or correlated with, concrete and positive projects, it is going to grow rapidly in standing and significance. If 8 or 10 specialized agencies are established under the council, each accomplishing a functional task for Europe as a whole, the council will become the organ of an integrated Europe. It is the expectation of thoughtful Danish political leaders that the adoption of an appropriate political form for a European union will necessarily follow the establishment of the various functional organizations. I do not believe that Americans should be pessimistic about the developments toward European union, nor do I

believe we can assert any particular procedure or result as the proper ones for a European union. We should recognize the progress that has been made, and foster and support the European efforts in this direction.

Judging Denmark's Share in Defense Efforts

The third question which I wish to consider with you is the following: Is Europe doing its share in the defense effort, and specifically are the Danes doing their proper share? It is easier to ask the question than to answer it, and I am not going to venture a categorical answer. How shall we judge "their proper share?" According to the comparative statistics, the Danish effort does not look so good. But do the bare statistics give an accurate picture? Remember that Denmark is a small country with 4 million inhabitants, about half the number of New York City. Denmark has a high standard of living relatively, and yet Denmark is a poor country. Denmark has no mineral resources, no coal, no iron, and no oil. Denmark has little heavy industry and almost no armament industry. Denmark has to import raw materials for all of its industry; it has to import large quantities of feedstuff to maintain its high level of agricultural production. We Americans have always recognized that a man who earns \$1,000 a year cannot well pay the same proportionate share of taxes as a man who earns \$5,000. Can a small country, with an essentially unbalanced economy and poor in resources, contribute the same proportion as a big and wealthy country, with a balanced economy and a great comprehensive productive capacity?

Are the Danes doing their proper share? One thing I do know: With respect to the most important contribution that the Danes could make to the security of the American people, I believe that they have done and are doing their full and proper share. I am referring to Greenland. On April 27 of this year an agreement was signed between the U.S. Government and the Danish Government. It was the agreement, pursuant to the North Atlantic Treaty, concerning the defense of Greenland. Without affecting Danish sovereignty over the island, this agreement gives us the right to develop and use facilities in Greenland which are absolutely essential to the defense of the United States from air attack over the polar air routes. It likewise provides for the manifold Danish activities in the joint defense of Greenland. Since 1941 the Danes have permitted the United States the use of Greenland bases for defensive purposes; and there has since been continuing collaboration and cooperation with Denmark and the United States within that area. The agreement of April 27, 1951, sets down the formal basis for further U.S.-Danish cooperation in Greenland and will remain in effect for the duration of the North Atlantic Treaty.

Are the Danes doing their proper share for the common defense of Western Europe? Let us recall first that the Danes have started from scratch, that their armed forces were completely disbanded under the German occupation, that they had to begin with insufficient quantities of antiquated weapons, and that they lacked the industrial capacity for manufacturing modern weapons. Nevertheless, under the impetus of the North Atlantic Treaty and with the assistance of American arms provided under the Mutual Defense Assistance Program, the Danes have made marked progress in the development of their armed forces. The Danish forces are becoming better trained and more competent and are showing every capacity to make effective use of the modern weapons that we are providing, and the public morale is more strongly behind the Danish defense effort now than ever before; and this, despite much heavier taxation, decreased consumption, and fuel rationing.

Let me tell you what has been done in the past year. The Danish Parliament has enacted legislation to establish a single defense department, create a separate air force, and to form a unified command over the three service branches. It has also passed a law increasing the length of conscripted service from 10 to 12 months and containing a provision to permit the further extension of service as circumstances may require. The Danish Army is being reorganized into 11 regimental combat-teams, which, in case of full mobilization, will number from 5,000 to 6,000 men each.

Total defense expenditures in the fiscal year 1952 are expected nearly to double the level of expenditures in the previous fiscal year. Large tax increases, a substantial loan, and a forced savings program have been put into effect this past year to divert resources from consumption to defense. Broad trade controls of strategic materials have been established.

Could Denmark possibly do more? Perhaps it could—probably it will. But for Denmark to do more will cause even greater difficulties, and we have to try to understand these difficulties. The Danish Government is confronted by very serious economic problems, arising mainly from an adverse payment position; that is, Denmark receives less in money terms for its total exports than it pays for its total imports. This situation is due mainly to the higher prices Denmark has had to pay for its imports, especially raw materials, than it has been able to obtain for its agricultural exports. In order to avert a foreign exchange crisis, Denmark must reduce its levels of consumption. A further increase in Denmark's defense effort would require still further reduction in consumption. As we Americans know, from our own experience, drastic measures to reduce consumption are difficult for any government—Congress or Parliament.

There is also a serious political difficulty. Denmark does not have a strong government based

on a firm Parliamentary majority. At present the Danish Government is constituted by a coalition of the Moderate Liberal, or Farmers Party, and the Conservative Party. These two parties together hold only 59 seats in the 151-seat Lower House. The Social Democrats in the opposition likewise hold 59 seats in the Lower House. There are then two small parties, the Radical Liberal and the Justice Party, each holding 12 seats, and the Communists with 7. The Radical Liberal Party has consistently opposed Danish participation in the North Atlantic Treaty Organization, while the Justice Party has been split on this issue. Since the Social Democrats strongly support the North Atlantic Treaty along with the Government parties, there is no uncertainty whatsoever about Danish adherence and Danish support on the major questions. However, the bigger parties are opposed to each other on issues of domestic economic policy and are constantly fearful of losing votes to the smaller parties. The delicate political balance tends to make every step a political issue, slowing up action and making the political leaders more hesitant and circumspect than might otherwise be the case.

The Danish case is not a peculiar one. There are corresponding elements in the situations of many, if not most, of the other European countries associated with us in the common defense effort: disbandment of the armed forces, as a result of the war; lack of military equipment; economic shortages; financial, particularly foreign exchange, difficulties; and governments lacking firm parliamentary majorities. We must not forget this background when we try to answer the question of whether Europe is doing its share in the defense effort. The Europeans have done much under difficult circumstances; they intend to do more. They have needed our aid to do what they have done; they will continue to need our aid if they are to do more.

Interdependence of U. S. and European Allies

If we Americans are to continue to aid our European friends, it is natural for us to wonder about the reliability and fortitude of our Allies. I come then to the fourth and final question which I want to take up with you: Can we depend on our European Allies?

We recognize well that the North Atlantic Treaty and all the security arrangements and military assistance in connection with it have, as their first purpose, the creation of conditions which will make possible the preservation of peace. Our purpose is not war, but peace, insuring peace by deterring the potential aggressor. However, if, in spite of all our efforts to preserve peace, the Soviets should still seek to impose their will upon Western Europe by armed force, can we depend upon our Allies? Are we to fear a quick collapse and prompt capture by the Soviet invaders of the equipment we have given to our Allies, to be turned

against us at a later date? Can we depend on our Allies? Would they fight? Let me ask more specifically: Would the Danes fight?

My belief is firm and definite: Yes, indeed, they would fight.

What is important for us to note is that pacifist and defeatist sentiment in Denmark has decreased in direct proportion with the strengthening of the Danish defenses.

The Danes do not want to be occupied and then liberated. They will fight for the integrity of their country. In accordance with their obligations under the North Atlantic Treaty and pursuant to the requirements of General Eisenhower's command, the Danes will fight for the democratic ideals which they share in common with the United States and other members of the Atlantic community.

The will to fight is almost directly related to the ability to fight; the means with which to resist. Armed with adequate weapons and the right leadership, the Danes will fight as bravely and tenaciously as did their forefathers nearly a century ago at Dybol—a great Danish battlefield in South Jutland, which is symbolically akin to our Valley Forge.

I do not believe that the situation is very different in this regard in any of the Western European countries allied with us. The North Atlantic Treaty is an expression of a community of spirit, founded upon adherence to certain common ideals and values. It is a community of free men. I believe that, given a fair chance free men will always fight, if need be, for the ideals and values they cherish.

World War II was a severe test. The Western European countries emerged terribly shaken and confused, as we did too. Fed by human misery, economic chaos, and war-weeriness, communism surged up in Western Europe in the immediate aftermath of World War II. But Communist strength has been decreasing in every Western European country in the past few years. In Denmark the Communists obtained 18 seats in the Lower House, in the election of 1945; 9 seats in the election of October 1947; and only 7 seats out of 151 in the election of September 1950. The Communists cannot now take over Denmark by an internal coup. Although other Western European countries may have proportionately larger numbers of Communists and greater internal difficulties, I doubt if the Communists can do more than cause trouble and disturbance in any Western European country, so long as their economic and social health is stable and improving. Our European Allies have regained the inner fortitude which comes from renewed affirmation of the basic principles of their own existence. Today we can say with confidence that we can depend on them.

But they have a question too which sometimes gnaws at them and makes them anxious and unsure. Can they depend on us? Our European Allies are sometimes anxious about the course of

American policy. They fear that the American people are volatile and changeable. They fear that isolationist sentiment might suddenly arise and sweep the country. They fear a sudden American loss of interest in Europe, whether it be caused by a new isolationism or an exclusive preoccupation with the Far East. They have joined us in a common enterprise, and they realize that they are just part way on a venture that may last for years. They do not want to be left in the lurch. They want to be sure of the inner fortitude of the American people and of a consistency and a constancy in American foreign policy as it affects them. They do not want their fates decided arbitrarily, unilaterally, or extraneously in the wake of domestic American political-party conflicts.

Our European Allies recognize the leadership that we have assumed, the leadership that has been thrust upon us by a historic destiny. They want to be sure that this leadership will continue to be exercised with restraint, understanding, and a full and encompassing sense of responsibility.

I believe that I am on firm ground when I assure the Danes that they can rely on the American people. I believe that we are terribly aware of our new responsibilities, not only to ourselves but to the whole free world. Today we know what depends on us: peace and life with freedom, even our very right to be human.

We are trying to do what no nation on earth has ever before attempted. We are trying to win a war without having to fight it. Even more than that, we are trying to create the basic conditions for peace, engaged in this noble effort with all the enormous reserves of energy, of enthusiasm, and of endurance that we heretofore have called upon only in times of war. And we are trying to do all this in concert and unity with the other free nations of the world.

This is indeed an infinitely demanding foreign policy and an inspiring one! But it is a foreign policy in which we Americans can have faith and confidence, both because it is right and because it is working.

Communist Propaganda on Atom Bomb Tests

Statement by Acting Secretary Webb

[Released to the press October 31]

My attention has been called to press reports, published in several countries by Communist propagandists, alleging that a large number of Korean, Vietnamese, and other prisoners were taken to Nevada as subjects of experimentation in atom bomb tests.

There is absolutely no truth in this story, which is characteristic of the Communist propaganda machine's usual line of malicious accusations in an attempt to divert attention from the true causes of present world tensions.

Austria Requests Reopening of Negotiations on State Treaty

[Released to the press November 1]

On October 31, 1951, the Austrian Foreign Minister, Karl Gruber, transmitted to the representatives of the United States, the United Kingdom, France, and the U. S. S. R. at Vienna a note calling upon those countries to reopen negotiations on the Austrian state treaty at the earliest possible opportunity. Subsequent to receipt of the note, the United States High Commissioner, Walter Donnelly, issued a statement at Vienna. Following is the text of Mr. Donnelly's statement, together with the text of the Austrian note to Mr. Donnelly:

STATEMENT BY THE U.S. HIGH COMMISSIONER

The suggestion of the Austrian Government that the Deputy Foreign Ministers of the four occupying powers meet as early as possible to reach a definite agreement on the state treaty is particularly gratifying to me. It is consistent with the unswerving policy of the United States Government to terminate the occupation of Austria by means of a state treaty and is also in keeping with the statement of the Foreign Ministers of the United Kingdom, France, and the United States in Washington on September 14.¹

The United States Government remains firm in its conviction that the four occupying powers should sign and implement the state treaty without further delay and restore Austria to its rightful position as a sovereign nation. The people of Austria can continue to count upon the unqualified support of the United States Government in fulfilling the pledge undertaken at Moscow on November 1, 1943, for the restoration of a free and independent Austria.

I personally feel that the Soviets again have the opportunity to demonstrate their good faith in carrying out this agreement—and in carrying it out without introducing any issues extraneous to the Austrian problem. It is a clear-cut issue: Either Austria is to be restored to its full independence and occupation is to be terminated, or this unfair occupation will continue.

There can be no doubt in the minds of the Austrian people that the United States Government has and will continue to press for the conclusion of the state treaty and withdrawal of troops from Austria. But, as I have said before, the United States will not withdraw until all of the occupying powers are prepared to do likewise.

AUSTRIAN NOTE

YOUR EXCELLENCY: In the name of the Austrian Federal Republic I have the honor to request the United States as that power, whose representative

would now in turn be chairman of the conference of deputies for the Austrian state treaty, to reopen deliberations on the state treaty at the earliest possible opportunity.

The Austrian Government believes that developments in the international situation permit the conclusion to be drawn that the desire for *détente* and peaceful relations is shared by everyone. The Austrian Government is further of the opinion that it reflects the viewpoint of many international observers in its belief that the obvious starting point for endeavors to bring about such a *détente* would lie in the prompt conclusion of the Austrian state treaty. By means of the simultaneous withdrawal of all occupation troops, the continuing effects of the last war which are still felt in Austria would be liquidated.

It is recalled that the Governments of the United Kingdom, the Soviet Union, and the United States of America expressed their unanimous intention in the Moscow declaration of October 30, 1943,² that Austria, as the first free country which fell victim to Hitler's typical aggression, should be liberated from German rule. They further declared their wish to see the restoration of a free and independent Austria. France subsequently adhered to this declaration.

Since Austria was designated in this declaration as a country to be liberated, it follows from generally recognized principles of law that her full sovereignty should be restored at the earliest possible time.

This viewpoint was further acknowledged by the four Foreign Ministers when they commissioned their deputies to proceed with the negotiation of the state treaty and especially upon the occasion of the Paris meeting of Foreign Ministers in June 1949 when they instructed their deputies to resume discussions immediately with the purpose of reaching agreement upon a draft of the state treaty as a whole by September 1, 1949, at the latest.³

In spite of all these pronouncements and promises, in spite of the clear desideratum of international law, the state treaty has not been concluded to the present day although over 250 sessions of the deputies have taken place. The result of these deliberations so long awaited by Austria and the rest of the world, namely the restoration of peaceful conditions in our land, has not yet been achieved. In these circumstances public opinion could not be left in doubt that any power which hinders the restoration of peaceful conditions in Austria through lack of good will to proceed with the treaty stands condemned in the light of both international legal and moral principles and its own clearly assumed obligations.

The Austrian Federal Republic has consequently noted with satisfaction the statement of the Foreign Ministers of the United States, France, and

¹ *Ibid.*, Nov. 6, 1943, p. 310.

² *Ibid.*, July 4, 1949, p. 858.

¹ BULLETIN of Sept. 24, 1951, p. 485.

the United Kingdom on September 14, 1951, at Washington in which they expressed their conviction that new and resolute efforts should be made to conclude the state treaty. The Austrian Government has already had occasion to express the wish to the diplomatic representatives of the four occupation powers in Vienna that the negotiations should be resumed.

In these circumstances the Austrian Government expects that after almost seven years of occupation the requested negotiations will not fail but will this time lead to clear and concrete results, namely, the general termination of the presence of military forces in Austria.

The Austrian Federal Republic will not omit to provide forthwith the Governments of the other three occupying powers with copies of the foregoing note.

Please accept, [etc.].

GRUBER

Bavarian Radio Takes Steps To Lessen Soviet Interference

[Released to the press October 24]

Following is the text of a press release issued on October 24 by the Office of the U.S. High Commissioner for Germany at Frankfurt:

The Bavarian Radio has been given authorization by the Office of the U.S. High Commissioner for Germany to deviate from its frequency of 800 kilocycles¹ to overcome the interference² caused by a Soviet-zone German transmission, Shepard Stone, Director of the Office of Public Affairs, announced today.

Mr. Stone said this action would permit the Bavarian Radio to lessen the interference from the Soviet zone transmitter at Erfurt and therefore diminish disturbance to broadcast service in southern Bavaria. Mr. Stone said:

It had been our hope that it would not be necessary for us to take this action and that the Soviet authorities responsible for the interference to the Bavarian Radio would realize nothing could be gained by this type of radio interference. By authorizing the Bavarian Radio to go on exactly the same frequency as the station at Erfurt, 801.85 kilocycles, and to remain on the frequency of that station should it deviate in the neighborhood of 800 kilocycles, the interference can be countered. This means that the interference in the form of a beat-note or whistle will be less pronounced and both the Bavarian Radio and the Erfurt station will obtain slightly better coverage in their respective service areas.

Our technicians will continue to watch this situation closely. The Bavarian Radio will continue to provide protection to Leningrad, the other user of the frequency 800 kilocycles, with the directional antenna erected for that

purpose. We are aware of the fact that deviation from the 800-kilocycles frequency may cause some disturbance to Leningrad, but that can be overcome, if the Soviets choose, by placing Erfurt on the exact frequency 800 kilocycles or selecting another frequency for Erfurt.

Termination of the State of War With Germany¹

A PROCLAMATION

WHEREAS, by a joint resolution, approved by the President on December 11, 1941, the Congress of the United States formally declared a state of war to exist between the United States and the Government of Germany (55 Stat. 796); and

WHEREAS on December 31, 1946, the President proclaimed the cessation of hostilities of World War II; and

WHEREAS it has been and continues to be the policy of the United States to bring about the conclusion of a treaty of peace with the government of a united and free Germany, but efforts to this end have been frustrated and made impossible for the time being by the policy of the Soviet Government; and

WHEREAS it has nevertheless been considered desirable to bring the existing state of war with Germany to a close and to remove Germany from its present enemy status, thus eliminating certain disabilities affecting German nationals; and

WHEREAS the rights, privileges, and status of the United States and the other occupation powers in Germany, and the rights and privileges of the United States and its nationals to which it or they have become entitled as a result of the war, as well as the right to exercise or enforce the same, derive from the conquest of Germany and the assumption of supreme authority by the Allies and are not affected by the termination of the state of war; and

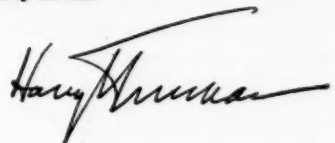
WHEREAS the Congress of the United States by a joint resolution, approved October 19, 1951, (Public Law 181, 82d Congress), has resolved that the state of war declared to exist between the United States and the Government of Germany is terminated and that such termination shall take effect on the date of enactment of such resolution:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, pursuant to such joint resolution, do proclaim that the state of war between the United States and the Government of Germany declared by the joint resolution of Congress approved December 11, 1941 was terminated on October 19, 1951.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of October, in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]



By the President:

DEAN ACHESON

Secretary of State.

¹ Proc. 2950, 16 Fed. Reg. 10915.

¹ BULLETIN of July 30, 1951, p. 171.

² BULLETIN of Oct. 29, 1951, p. 700.

The United States in the United Nations

November 1-7, 1951

General Assembly

Fifth Session—The fifth session of the General Assembly, which opened September 19, 1950 at New York, was concluded at a brief meeting November 5 at Paris, France. Debate centered on the report of the Special Committee on the Representation of China. The Committee, which was established by the Assembly last September, had been unable to make any recommendation on the matter. Following rejection 11 (U.S.S.R.)-20 (U.S.)-11 (U.K.) of a Soviet move to refer the question to the sixth session, the Assembly, by a vote of 36-5 (Soviet bloc)-2 (Egypt, Israel), approved President Nasrollah Entezam's (Iran) proposal simply to take note of the document.

Sixth Session—The sixth session of the General Assembly opened at Paris November 6 and elected Luis Padilla Nervo (Mexico) as its president. Delegates from 60 countries members of the United Nations were welcomed by the President of the host country, Vincent Auriol, who reaffirmed France's faith in the United Nations.

President Auriol concluded his remarks with this statement:

If the distinguished men toward whom all anxious eyes are now turned were to attend this session, not to participate directly in proceedings but to establish human contact, to exchange ideas personally, to consider their differences without any agenda or public debate, and to try, within the scope of the United Nations, jointly to reduce the disagreements, we would welcome them with a joy which, I am convinced, would become world-wide.

Outgoing President Nasrollah Entezam (Iran) and new President Padilla Nervo also took part in the opening day ceremonies, which began with a minute of silent prayer or meditation. Mr. Entezam used the phrase "resistance to aggression and the peaceful settlement of disputes" to characterize the work of the fifth session, over which he presided. Dr. Padilla Nervo said, "The fundamental theme of this Assembly is peace," adding, however, that "the world will never again tolerate peace based on slavery."

Constitution of the General Committee was completed November 7 with the election of the chairmen of the six main Assembly committees and of the seven vice presidents of the General Assembly. Finn Moe (Norway) was chosen chairman of the First (Political and Security) Committee; Prince Wan Waithayakon (Thailand), of the Second (Economic and Financial) Committee; Miss Ana Figueroa (Chile), Third (Social, Humanitarian, and Cultural) Commit-

tee; Dr. Max Henriques-Urena (Dominican Republic), Fourth (Trusteeship) Committee; Thomas A. Stone (Canada), Fifth (Administrative and Budgetary) Committee; and Dr. Manfred Lachs (Poland), Sixth (Legal) Committee. The vice presidencies went to the United States, the United Kingdom, France, the U.S.S.R., China, Yugoslavia, and Iraq.

General debate is scheduled to begin November 8, with Brazil, the Netherlands, the United States, and the U.S.S.R., as the first of four members on the speakers' list. The General Committee will hold its first meeting later in the day to review the agenda and recommend the allocation of items to the various committees.

New Items—Four items have been proposed for inclusion on the agenda since the supplementary list was issued October 11, 1951. (Both the provisional agenda and the supplementary list are contained in this issue of the BULLETIN.)

On November 5, the United States, the United Kingdom, and France in similar letters to the Secretary-General, requested inclusion of an item entitled: "Appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas."

Two days later these same three countries announced in a tripartite statement that they would submit to the sixth General Assembly "proposals for proceeding with the regulation, limitation and balanced reduction of all armed forces and all armaments, including atomic." (The essential elements of the 3-nation plan were outlined by President Truman in a radio-television address November 7.) In their statement, the three governments expressed the belief that discussion of the program should begin "now," although it could not be put into effect while United Nations forces were resisting aggression in Korea.

In addition, the Soviet Union has proposed the inclusion of the question of Chinese representation in the United Nations. The fourth new item—"Installation of the Assistant Secretary-General, Department of Social Affairs"—was submitted by the Secretary-General.

India-Pakistan Question—The Council is scheduled to resume discussion of the Kashmir item November 10.

The U.N. and Collective Security

REPORT OF THE COLLECTIVE MEASURES COMMITTEE

by Joseph J. Sisco

Delegates from 60 nations are meeting at Paris for the Sixth General Assembly of the United Nations which began on November 6. One of the agenda items is the "Report of the Collective Measures Committee" (U.N. doc. A/1891), discussion of which is expected to point up the significant gains the United Nations has made during the past year toward building an effective collective security system. The following article, in review of the Committee's Report (a) traces the character of U.N. action against aggression in Korea; (b) outlines the principal features of the "Uniting for Peace" resolution; (c) describes the work of the Collective Measures Committee; (d) lists various political, economic, and military measures available to the U.N.; (e) summarizes conclusions and guiding principles contained in the Report; and (f) specifies further preparatory steps to be taken by U.N. Member States. The article closes with material relating to the total significance of the Committee's Report.

Collective Action Against Aggression in Korea

The collective action against aggression in Korea marked a significant turning point in the history of the United Nations. When hostilities began in June 1950, the United Nations did not have available the armed forces necessary to repel the North Korean aggression against the Republic of Korea. The United Nations was faced with its most serious threat, and failure to meet it might well have led the international organization of the post-World War II period down the same path as its predecessor. However, the will and determination to uphold the principle of collective security was present; Members were willing to render assistance on recommendation of the Security Council, and the United Nations was thereby able to meet the crisis. Today the United Nations character of the action against North Korean and Chinese Communist aggression is both impressive and encouraging, a total of 15 states having sent armed forces, and 47 states having contributed military or nonmilitary assistance, or both.

The collective action against aggression in Korea undoubtedly strengthened the moral and ma-

terial fiber of the United Nations, but at the same time made more apparent the need for an adequate system of collective security. On September 20, 1950, Secretary Acheson addressed the plenary session of the Fifth General Assembly and emphasized the following:

The action of the United Nations to put down the aggression which began on June 25 against the Republic of Korea was exactly the effective collective measure required. It marked a turning point in history, for it showed the way to an enforceable rule of law among nations.

The world waits to see whether we can build on the start we have made. The United Nations must move forward energetically to develop a more adequate system of collective security. If it does not move forward, it will move back.

One of the problems, therefore, has been how to strengthen the capacity of the United Nations to take prompt and effective collective action in the event of a future aggression. To this end, the United States delegation placed before the Fifth General Assembly in the fall of 1950 a number of proposals, some of which along with proposals of other Members became the "Uniting for

Peace" resolution.¹ In adopting this resolution in November 1950, the international community, through the forum of the General Assembly, reaffirmed its determination to organize itself to deter or suppress aggression.

The "Uniting for Peace" Resolution

The principal features of the "Uniting for Peace" resolution are:

1. The establishment of the Peace Observation Commission to observe and report in any area where international tension exists, when so instructed by the General Assembly or the Security Council.

2. The provision that the General Assembly can meet on 24-hours' notice if the Security Council is prevented by the veto from exercising its primary responsibility for the maintenance of international peace and security.

3. The provision that in such a case, the General Assembly may make recommendations to Member States for collective measures including, in the case of a breach of the peace or act of aggression, the use of armed force.

4. The provision recommending that each Member State maintain within its national armed forces elements so trained, organized, and equipped that they could be promptly made available for service as United Nations units on the recommendation of the Security Council or the General Assembly.

5. The creation of the Collective Measures Committee to study and report on methods to strengthen international peace and security in accordance with the Charter.

The essential elements of the framework of a collective security system are contained in the aforementioned provisions: The means of determining the existence of and responsibility for aggression; machinery for putting collective measures into operation; and military forces in readiness to carry out those measures.

Work of the Committee

The Collective Measures Committee, established by the "Uniting for Peace" resolution, began its studies in March 1951. It is composed of the following Members of the United Nations: Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, United Kingdom, United States, Venezuela, and Yugoslavia.

One of the first steps taken by the Collective Measures Committee was to request that all Members of the United Nations submit information as soon as possible on the measures taken by them in implementation of paragraph 8 of the "Uniting for Peace" resolution. Paragraph 8 recom-

mends that each Member maintain with its national armed forces elements for service as a United Nations unit or units. The response of the United States made express reference to the North Atlantic Treaty. It included the statement that the treaty comes within the framework of the United Nations, and that the forces of the United States in Europe maintained in furtherance of the treaty could in appropriate circumstances, pursuant to the treaty and the Charter, participate in collective military measures in the North Atlantic area in support of United Nations action. The reply of the United States also described the elements of forces serving in Korea and added that the maintenance of these forces fulfills, for the present, the recommendation in Paragraph 8 of the "Uniting for Peace" resolution. After termination of hostilities in Korea and after the United States forces have been withdrawn, the extent to which the United States will maintain armed forces which could be made available for United Nations service will be reviewed.

The Collective Measures Committee also undertook studies of political, economic, and military collective measures through three separate subcommittees. Its dominant objective as stated in the "Uniting for Peace" resolution was to study methods "which might be used to maintain and strengthen international peace and security, in accordance with the purposes and principles of the Charter, taking account of collective self-defense and regional arrangements." The Committee in interpreting its terms of reference did not deal with procedures of conciliation on the assumption that the United Nations would take all the steps within its power to bring about a peaceful settlement prior to and during the application of collective measures.

On October 3, 1951, the Collective Measures Committee approved its report for submission to the General Assembly. The introduction and the conclusions (chapters 1 and 5) stress principles of general application which could constitute a basis for both short and long-range efforts in the United Nations for its progressive development as an institution of collective security. In chapters 2, 3, and 4 are considered political, economic, and military collective measures respectively, certain procedures of co-ordination, and possible machinery for use in the event the United Nations undertakes or recommends collective action.

Security Measures Available to the U.N.

Political measures. The report lists various political measures available to the United Nations including appeals to parties, determination and denunciation of the aggressor, partial or complete severance of diplomatic relations, suspension or expulsion from the U.N. or its specialized agencies, and nonrecognition of changes brought about by the threat or use of force. It recognized that the utility of the aforementioned measures vary

¹ BULLETIN of Oct. 23, 1950, p. 655.

with the circumstances of each case and that they should be regarded as primarily suitable for preventive action. Their usefulness as a warning signal to the interested parties and to other nations, in expressing the moral judgment of the international community and in establishing the broad foundation upon which United Nations collective action could be based, was also noted. The report further points out the desirability of creating coordinating machinery if these measures are to be as effective as their limited scope will permit.

Economic measures. Although recognizing that prior planning must have maximum flexibility because situations will differ, various economic sanctions which could be applied are analyzed in the report. In respect to each sanction, the report outlines basic considerations which should underlie a decision of the United Nations to apply collective measures; it considers national action which should be taken by cooperating states; the extent to which the coordination of national action is necessary; and the techniques and machinery that should be established to make the imposition of a particular sanction most effective.

The importance of this section of the report lies primarily in the enumeration of the economic sanctions available for international action and the emphasis upon the need for maximum coordination to achieve full efficacy. The Committee did not explore new grounds in this field, but considered the experience of the League of Nations and of the Allies during World War II. If the United Nations decides to apply collective economic measures in the future, as it is doing in Korea, the availability of the report on the "reference shelf" of the United Nations will be of importance.

The Committee in its report recommended that in the event the Security Council or the General Assembly decides upon or recommends economic sanctions against an offending State, a Committee should be designated *ad hoc* for the necessary coordination of the measures. While the actual composition of such a coordinating committee would be determined largely by the particular circumstances of the situation, it should have specific functions conferred upon it by the United Nations. These functions might include (1) receipt and study of reports from cooperating States on action taken by them in implementing collective economic and financial measures; (2) coordinating action related to the adoption and application of measures; (3) arranging for the analysis and interchange of information; (4) making recommendations to the Security Council or General Assembly and giving such advice to States as may be appropriate regarding controls which might be applied; (5) defining the scope of embargoes and other projects; and (6) reporting to the Security Council or General Assembly on the operation of the collective measures.

Military measures. In the military section of

the report the Committee analyzed the experience of the collective action in Korea and sought to adapt it to agreed principles and procedures of general application.

A significant development is the acceptance of the concept that in any case of the use of force under United Nations aegis, there should be a central executive military authority responsible for the coordination of the contributions from many States and for the actual conduct of the military operations in the field.

The Committee agreed on a wide variety of principles and procedures which could be developed in advance of a determination by the United Nations to take military measures. These include the relationship of the Executive Military Authority to States contributing to the collective action, to the victim State, and to other participating States whose territory is near the area of hostilities; general responsibilities of the Executive Military Authority; and the role that the Security Council or the General Assembly would play in formulating the policy framework within which the Authority would operate.

The report also analyzes the types of assistance and facilities, in addition to armed forces, that States could contribute to the collective action and formulates the procedures by which requests for assistance would be made and offers of assistance submitted and accepted. The report advocates that arrangements for the utilization of contributions should be made by direct negotiations between the Executive Military Authority and contributing States, also that the Executive Military Authority should have the responsibility to advise nations at all stages on the needs of forces, supplies, and assistance to make the military operations most effective. Problems connected with the operation and command of United Nations forces, of consultative procedures with contributing States, both in the theater of operations and elsewhere, the importance of logistical support for United Nations forces, and the manner in which civilian relief and refugee matters should be handled are all considered. In addition, such other questions as public information aspects of United Nations military measures, the identification of the operations as United Nations operations, and the role which United Nations and other international bodies should play are considered and analyzed.

The military section of the report also discusses the relationship between collective self-defense and regional arrangements and suggests the possibility that in certain cases the Executive Military Authority might consist of some or all of the States parties to such an arrangement. This section also notes that such arrangements "constitute an important aspect of the universal collective security system of the United Nations" and could, within the limits of their constitutional status, provide effective forces and facilities in

their respective areas in order to assist United Nations action.

Finally, a close study is made in the report of the replies received by the Collective Measures Committee in response to paragraph 8 of the "Uniting for Peace" resolution, which recommends that Members maintain within their national armed forces elements which could be available to serve as United Nations units. As of September 30, 1951, 38 responses had been received by the Committee, 29 of which expressed active support for the purposes of the resolution and the recommendations of paragraph 8. The report states "The significant common theme of all the affirmative responses is the responding States' determination to strengthen their capacity to take action pursuant to United Nations recommendations against aggression. These responses are but the first steps in a developing programme."

Conclusions and Guiding Principles

In general, the conclusions and guiding principles emphasize that the erection of a system of security requires advance preparation by States as well as by the United Nations, and that, where collective measures are undertaken, there should ordinarily be coordination of national action on as nearly a universal basis as possible. The report stresses the present need for an effective system of collective security. It points out that the effort being made against aggression in Korea is evidence that United Nations collective action is a practical reality. It emphasizes the necessity for the United Nations to have the means to apply collective measures. It indicates that the readiness of States to make contributions to United Nations action is an essential part of any security system, that the establishment of a collective security system requires further study and effort, that speed and promptitude in the application of collective measures are essential to their effectiveness; and, above all, that the success of any collective security system effort depends upon the will and determination of individual States.

Further Action by Member States

In order to reinforce international peace and security pending the conclusion of special agreements for armed forces provided for in article 43 of the Charter, the report specifies the following preparatory steps which should be taken by States:

1. Further action to maintain elements within their national armed forces so they could promptly be made available, in accordance with their constitutional processes, for service as United Nations units.
2. Such steps as may be necessary to enable States to provide assistance and facilities for United Nations forces in support of collective military measures.

3. An examination of their legislation and administrative regulations to insure that they can carry out, promptly and effectively, United Nations collective measures.

4. Survey of their resources to determine the nature and scope of the assistance they may be able to render in support of collective measures.

Significance of the Report

The Collective Measures Committee report constitutes the first systematic attempt by the United Nations to study the whole field of collective security. The report does not advocate startling new collective measures, rather its greatest virtue may be in the fact that political, economic, and military collective measures are assembled and correlated and principles of general application are set forth.

In the short time at its disposal, the Committee has not been able to do more than make a first general survey of many problems of a complex nature. The accomplishments to date represent a good beginning for future study. Many problems relating to methods of maintaining and strengthening international peace and security need thorough analysis by the organization, in consultation with governments and international bodies. In the economic field such matters as the preparation of basic lists of materials to which embargoes might be applied, and the study of questions connected with equality of sacrifice and with the provision of assistance to victims of aggression might well be studied profitably. In the military field, questions connected with the organization of military resources available to the United Nations, further guidance to the panel of military experts, and the possible advantages and disadvantages in the Secretary-General's proposal for a "United Nations Legion" are deserving of future study. It is thus clear that the work might well be continued in a number of directions, and it is for the Sixth General Assembly, if it agrees with this view, to consider by what method the work should be carried forward.

The collective effort against aggression in Korea, the pragmatic adaptation of the Charter in the security field by means of the "Uniting for Peace" resolution, and the more undramatic, yet no less significant analyses made by the Collective Measures Committee represent concrete progress toward a goal which has eluded man for over 2,000 years.

General Assembly approval of the report would signify the awareness of world opinion to the progress already made and would be an overt reaffirmation of the will to intensify the past efforts.

• *Mr. Sisco, author of the above article, is a Foreign Affairs Officer in the Office of United Nations Political and Security Affairs.*

Agenda Items for the Sixth Session of the General Assembly

PROVISIONAL AGENDA

U.N. doc. A/1870
Dated Sept. 7, 1951

The sixth regular session of the General Assembly of the United Nations will convene at Paris on November 6.

"Additional items of an important and urgent character," says Rule 15 of the Assembly's rules of procedure, "proposed for inclusion in the agenda less than 30 days before the opening of a regular session or during a regular session, may be placed on the agenda, if the General Assembly so decides by a majority of the Members present and voting. No additional item may be considered until seven days have elapsed since it was placed on the agenda, unless the General Assembly, by a two-thirds majority of the Members present and voting, decides otherwise, and until a Committee has reported upon the question concerned."

At the beginning of a session, the General Committee (which consists of the President, the seven Vice-Presidents, and the Chairmen of the six Main Committees) considers the provisional agenda, the supplementary list, and any requests for the inclusion of additional items, and reports to the Assembly. On the basis of this report, the agenda is adopted, and the various items allocated to appropriate Committees.

Items are listed below in the order in which they appear in the provisional agenda and the supplementary list. This is not necessarily the order in which they will appear on the agenda as adopted by the Assembly. The notes on each item are given as background information.

1. Opening of the session by the Chairman of the Delegation of Iran.

The Chairman of the Delegation from which the President of the previous session was elected presides until the Assembly elects a President for the new session. Ambassador Nasrollah Entezam of Iran was President of the fifth regular session.

2. Minute of silent prayer or meditation.

According to Rule 64 of the rules of procedure, "immediately after the opening of the first plenary meeting of each session of the General Assembly, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation." This was done for the first time at the last, fifth, session.

3. Appointment of a Credentials Committee.

The Credentials Committee, appointed at the beginning of each session on the proposal of the President, consists of nine members. It examines the credentials of representatives and reports thereon to the Assembly.

4. Election of the President.

The President is elected by secret ballot and by simple majority. There are no nominations.

5. Constitution of the Main Committees and Election of Officers.

The bulk of the Assembly's work is done through the Main Committees, committees in which all the Member states are represented. The agenda items are referred to one or other of these committees although some may be disposed of by the Assembly directly. The committees discuss the items in detail and report with their draft resolutions and conclusions to the plenary meetings which take final action. The six regular main committees are: The First (Political and Security) Committee; The Second (Economic and Financial) Committee; The Third (Social, Humanitarian and Cultural) Committee; The Fourth (Trusteeship) Committee; The Fifth (Administrative and Budgetary) Committee; and The Sixth (Legal) Committee. The Assembly may, and often does, designate an additional committee generally called an Ad Hoc political committee. Immediately after the Main Committees are constituted, the Assembly sits in committee for brief sessions to elect the chairman of each main committee.

6. Election of Vice-Presidents.

Seven Vice-Presidents are elected by secret ballot after the election of the Chairmen of the Main Committees. The President of the Assembly, the Vice-Presidents and the Chairmen of the Main Committees constitute the General Committee. The Vice-Presidents are chosen in order to insure the representative character of the General Committee. Election is by simple majority.

7. Adoption of the Agenda.

All the items submitted for inclusion on the agenda are considered by the General Committee which reports to the Assembly with its recommendations. The Assembly adopts the agenda by a majority of members present and voting.

8. Opening of the General Debate.

The heads of delegations usually make general policy statements during the general debate.

9. Report of the Secretary-General on the work of the Organization.

Article 98 of the Charter requires the Secretary-General to make an annual report to the Assembly on the work of the Organization. The present report (A/1844) de-

scribes the activities of the various organs of the United Nations for the period July 1, 1950 to June 31, 1951.

In his introduction to the report, which was issued separately on October 11 (A/1844 Add. 1), the Secretary-General reviews the results of six years' work of the United Nations and offers several thoughts and suggestions for the consideration of the Assembly. These cover further development of United Nations collective security; further efforts at peaceful settlement; periodic meetings of the Security Council; universality of membership; and other steps toward strengthening the work of the United Nations for peace. These last include technical and financial assistance for economic development.

10. Report of the Security Council.

The report (A/1873), covering the period from July 16, 1950, to July 15, 1951, was approved by the Security Council on August 31 by a vote of 10-0, with 1 abstention (the U.S.S.R.). The Charter requires the Council to submit to the Assembly for its consideration annual and, when necessary, special reports which must include an account of the measures decided on or taken by the Council to maintain international peace and security. As in other years, the report is essentially a summary and guide reflecting the broad lines of the debates. At the last four sessions, the Assembly "took note" of the Council's reports.

11. Report of the Economic and Social Council.

Each year the General Assembly reviews the activities of the Economic and Social Council and its subsidiary organs, on the basis of the Council's annual report. This year's report, to be issued shortly, covers the period August 16, 1950-September 21, 1951, during which the Council held two sessions.

Some of the questions dealt with in the report, such as economic development of under-developed areas, land reform, human rights, and questions relating to refugees—on which the Council has recommended specific Assembly action—appear as separate items on the agenda (*see below*).

12. Report of the Trusteeship Council.

The Trusteeship Council's annual report (document A/1856) covers its third special session, held last November, its eighth session held January 30 to March 16, 1951, and its ninth session held June 5 to July 30, 1951. (*See the BULLETIN*, vol. X, no. 7, and vol. XI, no. 4 for reviews of the sessions). The greater part of the report deals with the Council's examination of the annual reports submitted by the Administering Authorities of the eleven Trust Territories: Tanganyika, Cameroons, and Togoland, under United Kingdom administration; Ruanda-Urundi, under Belgian administration; Cameroons and Togoland under French administration; Somaliland under Italian administration; Western Samoa under New Zealand administration; Nauru and New Guinea under Australian administration, and the Pacific Islands under United States administration.

Other chapters of the report deal with such questions as the examination of petitions; the problem of the unification of the Ewes—a tribe of about one million people at present divided between the two Togolands and the Gold Coast colony; reports of the Visiting Mission to Pacific Trust Territories; the organization and functions of missions; arrangements for the Visiting Mission to East Africa; and the revision of the provisional questionnaire, which forms the basis on which Administering Authorities report to the Council. The report also covers questions specifically referred to the Council by the General Assembly, including educational development; technical aid for territories; abolishment of corporal punishment (*see item 34*); information on the United Nations to the indigenous inhabitants; and the flying of the United Nations flag in the territories. The report also deals with organizational questions.

13. Election of three non-permanent members of the Security Council.

The present non-permanent members of the Council are Brazil, Ecuador, India, the Netherlands, Turkey, and Yugoslavia. The two-year terms of Ecuador, India, and Yugoslavia expire at the end of 1951. The voting is by secret ballot, and a two-thirds majority is required for election. Retiring members are not eligible for immediate re-election. Due regard is specially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

14. Election of six members of the Economic and Social Council.

Six of the eighteen members of the Economic and Social Council retire each year after serving three years on the Council. Election for these seats is by secret ballot and a two-thirds majority is required. Retiring members are eligible for immediate re-election.

The present members of the Council are: Belgium, Canada, Chile, China, Czechoslovakia, France, India, Iran, Mexico, Pakistan, Peru, Philippines, Poland, Sweden, U.S.S.R., United Kingdom, United States and Uruguay.

The six whose terms expire at the end of this year are: Belgium, Chile, China, France, India and Peru.

15. Elections of members of the International Court of Justice.

(a) *Election of a member of the Court to fill the vacancy caused by the death of Dr. J. P. de Barros e Azevedo.*

On May 29, 1951, the Security Council decided that an election to fill this vacancy should be held during the sixth session of the General Assembly before the regular election described below.

(b) *Election of five members of the Court in accordance with Article 13, paragraph 1, of the Statute.*

The terms of five of the fifteen members of the International Court of Justice expire on February 5, 1952. Judges are elected from persons of high moral character who are qualified for the highest judicial offices in their countries or are jurisconsults of recognized competence in international law. No two may be of the same nationality. Elections are by absolute majorities in simultaneous but separate votings by the Security Council and the General Assembly. The nominations are made by national groups in the Permanent Court of Arbitration. In countries not belonging to the Permanent Court of Arbitration the nomination is by national groups appointed by the governments. The Statute of the Court provides that the electors shall bear in mind not only the individual qualifications of the candidates but also that in the Court as a whole the main forms of civilizations and the principal legal systems of the world are represented.

The five members whose term of office expires on February 5, 1952, are Isidro Fabela Alfaro, of Mexico; Green H. Hackworth, of the United States; Helge Klaestad, of Norway; Sergei Borisovich Krylov, of the U.S.S.R.; and Charles De Visscher, of Belgium.

Retiring members are eligible for re-election. Thirty-two candidates, including the five incumbents, have been nominated by the national groups for the regular election. Ten candidates have been named to fill the vacancy caused by the death of Dr. J. P. de Barros e Azevedo.

16. International control of atomic energy: report of the Committee of Twelve (resolution 496 (V) of December 13, 1950).

By this resolution, the Assembly established a Committee consisting of the eleven members of the Security Coun-

cil and Canada (the Committee of Twelve)—the same members as in the Atomic Energy Commission—to report “on ways and means whereby the work of the Atomic Energy Commission and the Commission for Conventional Armaments may be co-ordinated and on the advisability of their functions being merged and placed under a new and consolidated disarmament commission.”

The Committee of Twelve finished its work on September 28, 1951, when it approved its report to the Assembly (A/1922) by a vote of 10-1 (the U.S.S.R.), with 1 abstention (India).

The Committee recommends dissolution of the two existing commissions and the establishment of a single commission under the Security Council.

17. The problem of the independence of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea (resolution 376 (V) of October 7, 1950).

As established by this Assembly resolution, the Commission consists of Australia, Chile, the Netherlands, Pakistan, the Philippines, Thailand, and Turkey. Its report (A/1881) says that the large-scale intervention by the People's Republic of China prevented the Commission from carrying out its fundamental objectives and narrowed the scope of its immediate activities. No appropriate steps could be taken to ensure stability, nor constituent measures to establish a unified, independent, and democratic government. Significant work for rehabilitation of even a part of Korea was also precluded by the extensive military operations.

The political objective of the United Nations, says the Commission, must remain the establishment of a unified, independent, and democratic Korea. Meanwhile, security against continued or renewed aggression must be assured to the Republic of Korea, and support and assistance must be given for its democratic development and economic rebuilding. The Commission stresses that during, and even after the hostilities, some political representation of the United Nations should be retained.

18. Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee (resolution 377 A (V) (section D) of November 3, 1950).

The Collective Measures Committee, established by the Assembly's “Uniting for Peace” resolution, was directed to study and report to the Security Council and the Assembly on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements. The Committee was composed of Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, the Philippines, Turkey, the United Kingdom, the United States, Venezuela, and Yugoslavia.

Its report (A/1891), adopted unanimously on October 3, 1951, embodies the recommendations of its three subsidiary committees on political, economic and financial, and military measures, which form separate chapters of the report.

The Committee's report, the first systematic study on the organization of collective security, deals with the techniques, machinery, and procedures to co-ordinate national and international measures. These include steps to be taken in advance in order to make any future measures speedy and effective, and arrangements necessary after the application of collective measures has been decided on.

The Committee recommends the following preparatory steps:

States should take further action to maintain elements in their armed forces so trained, organized, and equipped

that they could promptly be made available in accordance with their constitutional processes, for service as United Nations units;

States should take the necessary steps to enable them to provide assistance and facilities for United Nations forces in support of collective military measures;

They should examine their legislation and administrative regulations to ensure that they can carry out, promptly and effectively, United Nations collective measures;

And they should continue to survey their resources to determine the nature and scope of the assistance they can render.

The report outlines four sets of guiding principles—those of general application, and those having special relation to political, economic and financial, and collective military measures.

The immediate objective of the United Nations collective military measures, the Committee says, will be to come to the aid of the victim of aggression in defence of its territorial integrity or political independence. The guiding principles in this group concern largely the designation of an Executive Military Authority, consisting of a state or group of states, in order to provide an agency for effectively conducting military operations.

Further study by the United Nations in consultation with governments and international bodies, the Committee declares, is still needed in regard both to economic and financial and to military collective measures.

19. Threats to the political independence and territorial integrity of Greece:

(a) Report of the United Nations Special Committee on the Balkans (resolution 382 B (V) of December 1, 1950).

In its report (A/1857), the Special Committee states that the threat to the political independence and territorial integrity of Greece continues, although its character has changed since the retreat of the guerrilla forces in 1949. The report charges that the guerrillas are receiving external aid from Albania, Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania, and that “a widespread and carefully co-ordinated system now exists for collecting, training, and eventually smuggling armed subversive groups into Greece across the Albanian and Bulgarian frontiers.” The report recommends that the Assembly “consider the advisability of maintaining United Nations vigilance over the Balkans in the light of the present nature of the threat to peace in that area.”

The present Committee was continued at the fifth session “until the sixth session.”

(b) Repatriation of Greek children: reports of the Secretary-General and of the International Red Cross Organizations (resolution 382 C (V) of December 1, 1950).

At its last session, the Assembly noted with grave concern that not a single Greek child had been returned to his native land and that, except for Yugoslavia, no country harboring Greek children had taken definite action to comply with the resolutions on the subject unanimously adopted at two successive Assembly sessions.

The Assembly in 1950 also established a standing committee, composed of representatives of Peru, the Philippines, and Sweden, to consult with the Secretary-General and representatives of the states concerned on the early repatriation of Greek children. The International Committee of the Red Cross and the League of Red Cross Societies were asked to co-operate with this standing committee.

The Secretary-General and the International Red Cross Organizations will report to the Assembly.

In a memorandum to the Secretary-General on August 3, 1951 (A/1848), the Red Cross bodies said that, despite two and a half years of unremitting work, results had

been "meagre." The difficulties they had experienced and were still experiencing, they said, were traceable to one common cause, "the total and regrettable absence of constructive co-operation by the majority of the Red Cross Societies in the harboring countries." Difficulties in the practical field had also arisen from certain terms in the Assembly resolutions.

20. Libya (resolution 289 (IV) of November 21, 1949):

(a) *Annual report of the United Nations Commissioner in Libya.*

In 1949 the Assembly recommended that Libya should be constituted an independent and sovereign state not later than January 1, 1952, and that a constitution for Libya should be determined by representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan, meeting together in a National Assembly. To assist the people of Libya in formulating a constitution and establishing an independent government, the Assembly appointed a United Nations Commissioner and established an Advisory Council.

Mr. Adrian Pelt was elected Commissioner and the Advisory Council is composed of one representative each of Egypt, France, Italy, Pakistan, United Kingdom and the United States, together with one representative of the people of the three regions of Libya, and one representative of the minorities in Libya.

A Constitution, creating a United Kingdom of Libya, was approved unanimously by the Libyan National Assembly on October 7. The report of the United Nations Commissioner on this and other developments in Libya will be considered by the General Assembly.

(b) *Annual Reports of the Administering Powers in Libya.*

The Assembly resolution also calls on the present Administering Powers in Libya, the United Kingdom (for Tripolitania and Cyrenaica) and France (for the Fezzan), to report annually on steps taken to implement these decisions.

21. Libya. Problem of war damages: report of the Secretary-General (resolution 389 (V) of December 15, 1950).

By this resolution the Secretary-General was instructed to study the problem of war damages in connection with the technical and financial assistance which Libya may request from the Economic and Social Council, and to report on the subject to the sixth session of the General Assembly.

22. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy (resolution 391 (V) of December 14, 1950).

Consideration of this item, included in the 1950 agenda at the request of Egypt which had proposed the item, was deferred to the sixth regular session.

23. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of August 14, 1945, and from Soviet violations of the Charter of the United Nations (resolution 383 A (V) of December 1, 1950).

The Assembly instructed the Interim Committee to continue inquiry on this item, which had been submitted by

China in September 1949, and to report to the sixth session. Because the fifth session was not adjourned, however, the Interim Committee, which meets only when the Assembly "is not actually in regular session," was unable to meet in 1951.

24. Palestine:

(a) *Report of the United Nations Conciliation Commission for Palestine.*

This Commission, which consists of the representatives of France, Turkey, and the United States, was established by the Assembly in December 1948 for the purpose, among other things, of assisting the Governments and authorities concerned to achieve a final settlement of all outstanding questions.

At a conference which opened in Paris on September 13, 1951, the Commission submitted concrete proposals for a settlement to Israel and Egypt, Jordan, Lebanon, and Syria. This conference will be reported on by the Commission in its report to the Assembly.

(b) *Assistance to Palestine refugees: report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (resolution 302 (IV) of December 8, 1949).*

John B. Blandford, Jr., was appointed Director of the Agency on June 19, 1951, succeeding Howard Kennedy. The Director is assisted by an Advisory Commission composed of representatives of France, Turkey, the United Kingdom, and the United States.

At the end of August 1951 there were 877,540 refugees registered with the Agency. In December 1950 the Assembly decided that for the financial year beginning July 1, 1951, UNRWA would require \$20,000,000 for relief and \$30,000,000 for reintegration projects. Money for UNRWA is raised by voluntary contributions from governments. As of October 1, 1951, 28 governments had pledged a total of approximately \$38,000,000.

25. Treatment of people of Indian origin in the Union of South Africa (resolution 395 (V) of December 2, 1950).

The Assembly considered this question in 1946 and again in 1947. In May 1949, it invited India, Pakistan, and the Union of South Africa to hold a round-table discussion, taking into consideration the purposes and principles of the Charter and the Universal Declaration of Human Rights.

At preliminary talks in Capetown in February 1950, agreement was reached on an agenda for a round-table conference to explore ways and means of settling the question, but India declined to go ahead with the conference on the ground that the Union Government had resorted to new discriminatory legislation. South Africa contended that this was a matter of domestic jurisdiction.

The Assembly, on December 2, 1950, recommended that the three Governments proceed to hold a round-table conference on the basis of their agreed agenda, "bearing in mind the provisions of the Charter . . . and of the Universal Declaration of Human Rights." The resolution stated that a policy of racial segregation (*apartheid*) was necessarily based on doctrines of racial discrimination. In the event of failure to hold the conference before April 1, 1951, or to reach agreement within a reasonable time, a commission of three members was to be established to assist the parties in carrying through appropriate negotiations.

The Assembly called on the three Governments, pending the conclusion of the negotiations, to refrain from taking any steps which would prejudice success, particularly implementation or enforcement of the provisions of the Group Areas Act.

In separate communications to the Secretary-General in March 1951 (A/1787, 1794), South Africa and India explained their positions. The Union was unable to accept the Assembly's resolution as the basis for a round-table conference on the ground that the terms of the resolution constituted intervention in a matter essentially within the Union's domestic jurisdiction. However, South Africa adhered to the policy agreed on at Capetown in 1950.

India, on the other hand, considered that the resolution was best designed to secure discussion of the subject in an atmosphere free from prejudice. Since South Africa had declined a conference on the basis of that resolution, India felt that it had no option but to bring the matter to the notice of the United Nations for action.

26. Economic development of under-developed countries: report of the Economic and Social Council.

(a) Financing of economic development of under-developed countries (resolution 400 (V) of November 20, 1950).

At its last session, the Assembly asked the Economic and Social Council for recommendations on practical methods, conditions and policies for an adequate expansion and steadier flow of capital, both private and public, to aid the economic development of under-developed countries. In doing so, it was to pay special attention to the financing of non-self-liquidating projects basic to economic development.

At its thirteenth session, the Council asked the International Bank to report on the contribution which might be made by an international finance corporation for promoting the financing of productive private enterprise in under-developed countries. The Bank and other credit agencies, it was further urged, should continue expanding their lending operations in these countries. On securing capital for basic non-self-liquidating projects, the Council asked the Secretary-General to formulate practicable methods on grant assistance.

With the object of securing an expanded and steadier flow of private capital, the Council further addressed several recommendations both to countries able to export capital and to those seeking it.

In addition to its request on the problem of financing, the Assembly asked the Council last year to study the volume and distribution of national income in under-developed countries, an adequate knowledge of which, it considered, was essential to enable these countries to mobilize their resources more effectively.

Two reports were considered at the Council's thirteenth session: one by the Secretary-General, and one from the International Monetary Fund. The former dealt with: levels and sources of national income in various countries; foreign commitments and claims; and the international distribution of national income. The latter dealt with investment services of under-developed countries and their statutory and administrative measures to provide for servicing foreign investment in times of exchange stringency.

The Council asked the Secretary-General and the Fund to continue giving attention to the volume and distribution of national income of under-developed countries and their capacity to service foreign investments. They were also asked to encourage the preparation of basic statistical information on these matters in both developed and under-developed countries in a way that would take into account existing differences in their economic and social structures.

(b) Land reform (resolution 401 (V) of November 20, 1950).

The Assembly at its last session asked the Economic and Social Council for recommendations on appropriate land reforms and other means of improving living conditions of agricultural workers, tenants and small and

medium farmers. This it was to do on the basis of an analysis by the Secretary-General, in co-operation with FAO, of the degree to which unsatisfactory forms of agrarian structure, particularly land tenure, impede economic development and thus lower living standards. This analysis was considered at the thirteenth session of the Council. The Council then recommended a number of reforms to aid landless cultivators as well as small and medium farmers.

The Council further recommended that the specialized agencies, in co-operation with the United Nations, give high priority to land reform in their technical assistance programs.

The Secretary-General, too, was asked to assist governments, at their request, especially on the fiscal aspects of land reform. It also requested him to report, with recommendations, at least once every three years, on the basis of a questionnaire to governments, on progress and obstacles in the field of land reform. The resolution also draws the attention of governments concerned to the possibilities of free and voluntary agricultural co-operation and calls for a Secretariat report on agricultural co-operation.

The Council recommends that the Assembly consider the subject of land reform from time to time.

(c) Technical assistance for the economic development of under-developed countries.

The Economic and Social Council's recommendations on the regular programs of technical assistance—that is, the programs financed out of the regular budget of the United Nations—are: (i) The program for training in public administration should be placed in a continuing basis and provided for in future budgets. (ii) The Assembly should note with approval that the same amounts as appropriated for 1951 had been provided for in the 1952 budget estimates for technical assistance for economic development, advisory social welfare services and for training in public administration. (iii) Where additional technical assistance activities for under-developed countries in the fields of economic development, public administration and social welfare cannot be financed from the regular United Nations budget, the Assembly should recommend that they be considered under the expanded program of technical assistance, that is, the program financed out of special contributions and worked jointly by the United Nations and specialized agencies.

As to the expanded program, the Council invited the Assembly to approve its proposals for arrangements to finance this program in 1952, through voluntary contributions by governments. These contributions, it urged governments, should be not less than the total (\$20,069,411) pledged for the first financial period of the program ending December 31, 1951. The Assembly was further asked to make appropriate arrangements for soliciting and receiving such pledges at an early date.

(d) Other related problems.

Other economic development matters arising out of the Council's annual report or raised by Member governments at the Assembly will be taken up under this section of the agenda.

27. Relief and Rehabilitation of Korea: report of the United Nations Agent-General for Korean Reconstruction (resolution 410 A of December 1, 1950).

To aid in the relief and rehabilitation of Korea, the General Assembly established the United Nations Korean Reconstruction Agency (UNKRA) on December 1, 1950. J. Donald Kingsley was appointed Agent-General on February 7, 1951. He is assisted by an Advisory Committee consisting of Canada, India, United Kingdom, United States and Uruguay. UNKRA's operations are financed by the contributions of Member States. The agency will report on its operations.

28. Co-ordination between the United Nations and the specialized agencies:

- (a) *Administrative budgets of the specialized agencies and development of common services: report of the Secretary-General (resolution 411 (V) of December 1, 1950).*

At its last session, the General Assembly asked the Secretary-General, after consultation with the executive heads of the specialized agencies and the Advisory Committee on Administrative and Budgetary Questions, to report on progress made by the United Nations and the specialized agencies in achieving a common salary system, in developing common budgetary policies and a common form of budget, in increasing the use of soft currencies, in efficiencies and economies to be achieved through the further development of common services, and in dealing with arrears in contributions.

- (b) *Concentration of effort and resources: report of the Economic and Social Council (resolution 413 (V) of December 1, 1950).*

The resources at the disposal of the United Nations and the specialized agencies, the General Assembly decided at its last session, should be applied where they were most needed. It therefore asked the Economic and Social Council and the specialized agencies to review, during 1951, their 1952 programs and, when initiating new projects, to indicate which current projects could be deferred, modified or eliminated so as to ensure that their work in the economic and social field might be most effectively carried on.

At its thirteenth session, the Council resolved that in periodically reviewing their programs, the Council, its subsidiary bodies and the specialized agencies should endeavor to establish priorities and eliminate or defer less urgent projects. The Council also decided to consider the adoption of United Nations priority programs in the economic and social fields at its fifteenth session.

29. Draft International Covenant on Human Rights and Measures of Implementation: report of the Economic and Social Council (resolution 421 A (V) of December 14, 1950).

At its seventh session, held in April-May this year, the Commission on Human Rights drafted provisions for economic, social, and cultural rights for inclusion in the Draft Covenant on Human Rights, as directed by the Assembly. It also proposed a system for reporting, and formulated measures for implementation of the Covenant. Because of lack of time, however, the Commission could not comply with other Assembly directives such as the revision and redrafting of the first eighteen articles relating to civic and political rights.

At its summer session this year, the Council considered the Commission's report, expressed appreciation for its work and asked it to complete its tasks. The Council transmitted the Commission's report to the Assembly so that governments not represented on the Council or the Commission might have a chance to comment on the new draft provisions. Further, the Council invited the General Assembly to reconsider its last year's decision to include economic, social, and cultural rights in the same instrument with civic and political rights.

30. Refugees and Stateless Persons (resolution 428 (V) of December 14, 1950. (Annex))

- (a) *Report of the High Commissioner for Refugees*

The United Nations High Commissioner for Refugees acts under the authority of the General Assembly to give international protection to refugees as defined by the Statute of his Office, and to assist voluntary repatriation

or resettlement subject to the approval of the governments concerned. The Statute, adopted by the Assembly on December 14, 1950, provides that the High Commissioner shall follow policy directives of the Economic and Social Council and the General Assembly. High Commissioner van Heuven Goedhart's report, which was considered by the Council, will now come up before the Assembly. The High Commissioner is entitled to present his views before the Assembly, the Council, and its subsidiary bodies.

- (b) *Report of the Economic and Social Council*

In the part of the report which relates to refugees, the Economic and Social Council reports the setting up of an Advisory Committee as provided for in the Statute. The Council elected Australia, Austria, Belgium, Brazil, Denmark, France, Federal Republic of Germany, Israel, Italy, Switzerland, Turkey, the United Kingdom, the United States, the Vatican, and Venezuela to this body which is to advise the High Commissioner, "at his request," in the exercise of his functions.

31. Problems of assistance to refugees: reports of the International Refugee Organization and of the High Commissioner for Refugees (resolution 430 (V) of December 14, 1950).

In 1949, the International Refugee Organization reported to the Assembly on the special difficulties it was meeting in completing its program. At its fourth session, the Assembly addressed an urgent appeal to all states to give IRO the widest possible assistance. Examination of the problems cited by IRO was postponed to the fifth session which asked IRO to submit its observations to the present session. The High Commissioner for Refugees will also report to the Assembly (see item 30).

IRO, which was originally scheduled to end its activities on June 30, 1950, was authorized to extend its work until September 30, 1951. The agency is now scheduled to stop work on December 31, 1951, except for moving a few additional groups of refugees early in 1952.

32. Information on the implementation of Trusteeship Council and General Assembly resolutions relating to Trust Territories: report of the Secretary-General (resolution 436 (V) of December 2, 1950).

In reviewing the Council's procedures and work program, the Assembly last year considered it necessary that both the General Assembly and the Trusteeship Council have at their disposal information on the implementation of the recommendations approved by both bodies in all matters relating to Chapters XII (International Trusteeship System) and XIII (The Trusteeship Council) of the Charter. It therefore requested the Secretary-General: (a) to prepare a classified list of these resolutions; (b) to report to the sixth session of the Assembly on the measures taken by the Administering Authorities to implement the resolutions, using as a source the reports of the Trusteeship Council; and, (c) if there has been no action by the Administering Authority in respect of any particular resolution, to set forth the reason given concerning that matter.

33. Rural economic development of the Trust Territories: Report of the Trusteeship Council (resolution 438 (V) of December 2, 1950).

Equitable distribution and the proper utilization of land are essential to economic and social advancement. Recognizing this, the General Assembly recommended that the Trusteeship Council study the prevailing policies, laws and practices in the Trust Territories relating to land, land utilization and the alienation of land. In making this study, the Council was asked to take into account the present and future needs of the indigenous inhabitants

from the standpoint of the basic objectives of Trusteeship, and the future economic requirements of the territories, as well as the social and economic consequences of the transfer of land to non-indigenous inhabitants. The Assembly asked the Council to make recommendations to the Administering Authorities that might lead to the economic and social advancement of the indigenous inhabitants, and to report to this session on the work done. A special committee was set up by the Council at its eighth session to study all questions concerning rural economic development in the territories. This committee completed preliminary work on its investigations last summer and will submit a final report to the Council's tenth session, in January next.

34. Abolition of corporal punishment in Trust Territories: reports of Administering Authorities (resolution 440 (V) of December 2, 1950).

At its fourth session, the Assembly endorsed the Trusteeship Council's earlier recommendation for the immediate abolition of corporal punishment in the Trust Territories. At its next session, the Assembly noted that the Trusteeship Council had reported that such punishment was still being applied. It therefore recommended immediate measures to bring about complete abolition and requested the Administering Authorities to report on this matter to the present session.

35. Administrative Unions Affecting Trust Territories: report of the Trusteeship Council (resolution 443 (V) of December 12, 1950).

The question of administrative, fiscal, or customs unions between Trust Territories and neighboring colonies has been the subject of several recommendations by both the General Assembly and the Trusteeship Council during the past four years. In 1948 the Assembly declared that such unions should remain strictly administrative in nature and scope and should not create conditions that will hamper the development of a Trust Territory as a distinct entity. Again, in 1949, the Assembly resolved that the Trusteeship Council should continue to observe the operation of all administrative unions. Such unions exist between the following: British-administered Tanganyika, the Cameroons, and Togoland, and the non-self-governing territories of Kenya, Nigeria, and the Gold Coast, respectively; Belgian-administered Ruanda-Urundi and the Belgian Congo; and Australian-administered New Guinea and Papua.

At its seventh session, in 1950, the Council established a Standing Committee to examine regularly the operation of these administrative unions and to report periodically. At its eighth and ninth sessions, in 1951, the Council reviewed its Standing Committee's reports on the operation of all existing administrative unions, in conjunction with the annual administrative reports on the respective territories. Recommendations on the Committee's reports are included in the Council's overall report to the Assembly.

36. Information from Non-Self-Governing Territories:

- (a) *Economic conditions and development in Non-Self-Governing Territories: report of the Special Committee on Information transmitted under Article 73e of the Charter (resolution 445 (V) of December 12, 1950).*

In setting up the Special Committee on Information transmitted under Article 73e of the Charter for a period of three years (*see item 37*), the General Assembly felt that the value of the Committee's work would be enhanced if, along with its general review, the Committee gave special attention to one field each year. Accordingly, the Committee specially examined educational

matters last year. For 1951 the Committee proposed, and the Assembly approved, special consideration of economic matters. This the Committee will do during its current (October) session in Geneva.

- (b) *Summary and analysis of information transmitted under Article 73e of the Charter: report of the Secretary-General.*

In 1948 the Secretary-General was asked to prepare during 1949 and every three years thereafter, full summaries and analyses of the information transmitted, showing the progress achieved in the Non-Self-Governing Territories in the economic, social and educational fields. In the intervening years, annual supplements were to be prepared. The Secretary-General has prepared summaries of information transmitted on individual territories for the year 1950, consisting mainly of statistical data, and analyses on agricultural and economic conditions, public health, labor, social welfare and education.

The Secretary-General has also prepared analyses of information on major economic problems and general aspects of economic development; rural economy (with particular reference to agricultural development), land distribution, land settlement, agricultural credit, rural co-operative organizations; fisheries; forestry; and general programs of industrial development as well as aspects of social factors in economic development. Working papers relating to these subjects have also been prepared by various specialized agencies.

- (c) *Information transmitted under Article 73e of the Charter: report of the Special Committee.*

The Special Committee on Information transmitted under Article 73e (*see above*) will examine the Secretary-General's summaries and analyses and report thereon to the Assembly.

37. Election of two members of the Special Committee on Information transmitted under Article 73e of the Charter (resolution 332 (IV) of December 2, 1949).

The Special Committee was set up for a three-year period by the Assembly resolution of December 2, 1949. Its functions are to examine, in the spirit of the Charter, provisions relating to non-self-governing territories, the summaries and analyses of information submitted by Member states administering these territories. Papers and reports by the specialized agencies and other information relating to Assembly recommendations concerning these territories are also studied. On the basis of this study the Committee reports to the Assembly with procedural and substantive recommendations "relating to functional fields generally but not with respect to individual territories."

The Committee consists of eight members transmitting information and an equal number of non-administering members elected by the General Assembly. It is now composed of: Australia, Belgium, Denmark, France, the Netherlands, New Zealand, the United Kingdom and the United States (administering members transmitting information), and Brazil, Cuba, Egypt, India, Mexico, Pakistan, the Philippines and the U.S.S.R. (non-administering members elected). The terms of office of Mexico and the Philippines will expire at the end of 1951.

38. Question of South-West Africa (resolution 449 A (V) of December 13, 1950):

- (a) *Implementation of the advisory opinion of the International Court of Justice.*

Complying with an Assembly request, the International Court of Justice, on July 11, 1950, gave an advisory opinion to the effect that the Union of South Africa continues to have international obligations with respect to

South-West Africa in accordance with the Covenant of the League of Nations, and the Mandate, for the territory; that the functions of supervision over the administration of the territory by the Union of South Africa should be exercised by the United Nations, to which the annual reports, as well as petitions from the inhabitants of the territory, are to be submitted; that the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court; and, that the Union of South Africa acting alone is not competent to modify the international status of the territory and that such competence rests with the Union acting with the consent of the United Nations.

In accepting the Court's advisory opinion, the Assembly last December urged the Union Government to take the necessary steps to implement it, including the transmission of reports on the territory's administration and of petitions from communities or sections of the territory's population. An *ad hoc* committee was appointed to confer with the Union Government on procedural measures necessary for implementing the Court's opinion.

Following its meetings with representatives of the Union Government, the Committee, on October 17, reported that South Africa was prepared to reassume its international obligations under the League Mandate by negotiating a new international instrument with France, the United Kingdom, and the United States—the three remaining members of the Principal Allied and Associated Powers of World War One. In this way South Africa would have a direct legal obligation to those three powers, but not to the United Nations. The Union Government was, however, prepared to agree to final confirmation of the proposed instrument by the United Nations. In a counter-proposal the *ad hoc* Committee suggested the setting up of United Nations machinery as analogous as possible to the League machinery. This body could formulate terms for international supervision of the territory "no more extensive or onerous than those existing before."

No agreement was reached on these proposals but the Committee reported its willingness and that of the Union Government to consult further on the basis of the two proposals.

(b) *Examination of any report on the administration of South-West Africa which may be submitted by the Government of the Union of South Africa:*

The *ad hoc* Committee set up by the Assembly (see above) was composed of the representatives of Denmark, Syria, Thailand, the United States and Uruguay. In addition to its main task, the Committee was authorized, as an interim measure, "and as far as possible in accordance with the procedure of the former Mandates System," to examine any report on the administration of South-West Africa, as well as petitions and any other matters concerning the territory which might be transmitted to the Secretary-General. The Committee reported that it was unable to comply with these instructions since no report on the territory was forthcoming.

39. Financial reports and accounts, and reports of the Board of Auditors:

(a) *United Nations, for the financial year ended December 31, 1950.*

This report has been issued as document A/1800. It shows that for the year 1950 income exceeded obligations by \$1,157,854 consisting of savings on the appropriations, and miscellaneous income in excess of estimates. Two abnormal non-recurrent factors — additional credits for miscellaneous income, and budget savings as a result of cancellation of obligations for equipment on which delivery did not take place until 1951—accounted for nearly half the surplus.

(b) *United Nations International Children's Emergency Fund, for the financial year ended December 31, 1950.*

This report has been issued as document A/1810, and shows that the total income since December 1946 (contributions, miscellaneous revenue, investments, etc.) amounted to about \$153,200,000 and allocations to \$151,900,000.

(c) *United Nations Relief and Works Agency for Palestine Refugees in the Near East, for the financial year ended December 31, 1950.*

A report will be submitted during the session.

(d) *United Nations Korean Reconstruction Agency, from date of inception to June 30, 1951.*

A report will be submitted during the session.

40. Supplementary estimates for 1951: report of the Secretary-General (resolution 472 (V) of December 15, 1950).

A report will be submitted during the session.

41. Budget estimates for the financial year 1952:

(a) *Budget estimates prepared by the Secretary-General.*

The Secretary-General's budget estimates for 1952 (A/1812) set total expenditures for 1952 at \$46,568,300 and miscellaneous income at \$5,812,100 which would leave a net expenditure of \$40,756,200. (The approved budget for 1951 totalled \$47,798,600.)

(b) *Reports of the Advisory Committee on Administrative and Budgetary Questions.*

The Advisory Committee's report on the budget estimates for 1952 (A/1853) recommends reductions to bring the estimates to \$44,532,900. In a comment on the Advisory Committee's recommendations (A/C.5/448) the Secretary-General stresses the importance of getting Assembly approval of at least the bulk of the 1952 estimates by mid-December. While agreeing with the many constructive suggestions of the Committee, he points out that the Committee's reductions would provide the same funds in 1952 as in 1951 plus the amount required for salary increments. This is too severe a reduction in view of greatly increased programs, particularly those of the Regional Economic Commissions and the High Commissioner for Refugees, and the greater cost of maintaining the new Headquarters. The Secretary-General then requests the Fifth Committee to review several proposals of the Advisory Committee in the light of the detailed arguments he advances.

42. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:

(a) *Advisory Committee on Administrative and Budgetary Questions.*

Three of the nine members retire each year. They are eligible for reappointment. The present members are: Thanassis Aghnides (Greece), Chairman; Rafik Asha (Syria); Igor V. Chechetkin (U. S. S. R.); Andre Ganem (France); William O. Hall (United States); C. L. Hsia (China); Olyntho P. Machado (Brazil); Sir William Matthews (United Kingdom); and Brij Kumar Nehru (India). The terms of Mr. Aghnides, Mr. Chechetkin and Mr. Hsia expire at the end of 1951.

In a note to the Assembly (A/1817), the Secretary-General suggests that, as in previous sessions, the Fifth Committee recommend the successors.

(b) Committee on Contributions.

Four of the ten members retire this year. Retiring members are eligible for reappointment. The present members are: Sir Sydney Caine (United Kingdom); Rene Charron (France); P. M. Chernyshev (U.S.S.R.); Seymour Jacklin (Union of South Africa); Kan Lee (China); Adolfo Nass (Venezuela); Josue Saenz (Mexico); Mitchell W. Sharp (Canada); Elmer Boyd Staats (United States); and Dr. Maria Z. N. Witteveen (Netherlands), Chairman. The terms of office of Mr. Charron, Mr. Chernyshev, Mr. Jacklin and Mr. Saenz expire at the end of 1951.

In a note to the Assembly (A/1815), the Secretary-General suggests that the Fifth Committee recommend successors.

(c) Board of Auditors.

The Board consists of three members. At each regular session the Assembly appoints an auditor to take office from July 1 of the following year for a three-year term. The election this year will be to fill the vacancy created by the expiry on June 30, 1952, of the term of office of the Auditor-General of Denmark.

The Secretary-General suggests (A/1814) that the Fifth Committee recommend the Member state whose Auditor-General, or equivalent officer) may be appointed to fill the vacancy. The present members are the Auditors-General of Canada, Colombia and Denmark.

(d) Investments Committee: confirmation of the appointment made by the Secretary-General.

A draft resolution will be submitted to the Assembly to confirm the reappointment of Leslie Rounds, First Vice-President of the Federal Reserve Bank of New York, for a term of three years. The present members of the Investments Committee are: Ivar Rooth, Managing Director of the International Monetary Fund; Jacques Rueff, Honorary Governor of the Bank of France, and Mr. Rounds.

(e) United Nations Administrative Tribunal.

At its fourth session in 1949 the General Assembly established a United Nations Administrative Tribunal to hear and pass judgment upon applications alleging non-observance of contracts of employment of staff members of the Secretariat, or the terms of appointment of staff members. The Tribunal is composed of seven members, no two of whom may be nationals of the same state. Members are appointed by the General Assembly for three years, except that, in the case of those initially appointed, the terms of two members shall expire at the end of one year, and the terms of two members shall expire at the end of two years.

The present members are: Madame Paul Bastid (France); Lord Crook (United Kingdom); Rowland Andrews Egger (United States); His Highness the Maharaja of Nawanagar (India); Emilio N. Oribe (Uruguay); Vladimir Outrata (Czechoslovakia); and Hamed Sultan (Egypt).

The terms of Mr. Egger and Dr. Oribe expire at the end of the year.

The Secretary-General suggests (A/1816) that the Fifth Committee recommend the successors.

43. United Nations Joint Staff Pension Fund: annual report of the United Nations Joint Staff Pension Board.

The report is contained in document A/1846.

44. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (resolution 462 (V) of December 14, 1950).

In its report (A/1859) the ten-member Committee recommends changes in the scale of assessments for 33 Member States. The assessment of the United States would be lowered from 38.92 to 36.90 per cent, while that of the U.S.S.R. would be raised from 6.98 to 9.85 per cent. Slight increases are also recommended for Afghanistan, Byelorussia, Canada, Cuba, Czechoslovakia, Ethiopia, India, Israel, Mexico, Pakistan, Poland, Ukraine, Venezuela and Yugoslavia. Minor reductions are recommended in the assessments of Argentina, Australia, Bolivia, Brazil, Chile, China, Egypt, France, Iran, Iraq, Netherlands, Sweden, Syria, Thailand, Turkey, South Africa and the United Kingdom.

45. Permanent staff regulations of the United Nations: report of the Advisory Committee on Administrative and Budgetary Questions (resolution 469 (V) of December 15, 1950).

At its fifth session the General Assembly deferred consideration of the Permanent Staff Regulations until the sixth session pending an examination of the Secretary-General's proposals by the Advisory Committee (A/1855).

46. Headquarters of the United Nations: report of the Secretary-General (resolution 461 (V) of December 12, 1950).

The report of the Secretary-General (A/1895) deals with progress in construction and occupancy of the new buildings, the work of the City of New York in the adjacent area, the financial position, the acceptance of gifts and the results of an investigation into the possibility of constructing a building for delegations.

47. United Nations telecommunications system: report of the Secretary-General (resolution 460 (V) of December 12, 1950).

The Assembly approved at its fifth session a plan, submitted by the Secretary-General, for a United Nations telecommunications system. The principles of such a system had been approved by the Assembly in 1948, and a committee of experts later prepared a detailed plan. The system outlined in the 1950 Assembly resolution, however, was a modification of this plan. It authorized the installation of several high-powered shortwave radio transmitters, to be financed, if possible, by voluntary contributions or donations. The Secretary-General will report to the sixth session on the status of such contributions, and on progress made in United Nations telecommunications facilities.

48. Status of claims for injuries incurred in the service of the United Nations: report of the Secretary-General (resolution 365 (IV) of December 1, 1949).

The Secretary-General's report deals principally with the claim against the Hashemite Kingdom of Jordan in the death of Mr. Ole Bakke, a staff member, who was killed on July 13, 1948 by members of the Jordan armed forces while serving with the United Nations Mediator in Palestine. No reply has been received to the Secretary-General's letter of May 1951 to the Minister of Foreign Affairs of Jordan requesting a formal apology to the United Nations, a report on measures taken in connection with the incident and payment of reparations.

Further action on the death of four French military observers and injuries to a fifth in Palestine will be taken on receipt of a reply from the French government to the Secretary-General's letter of July 31, 1950.

49. Draft Declaration on Rights and Duties of States: report of the Secretary-General (resolution 375 (IV) of December 6, 1949).

The Secretary-General has published for use by the Assembly the comments of Members on the draft Declaration on Rights and Duties of States prepared by the International Law Commission. Members were asked specifically

- (a) whether any further action should be taken by the General Assembly on the draft Declaration;
- (b) if so, the exact nature of the document to be aimed at and the future procedure to be adopted in relation to it.

Replies have been received from Argentina, Australia, Brazil, Canada, Egypt, France, India, Israel, Luxembourg, the Netherlands, Syria and the United Kingdom (A/1850, A/1338 and Add. 1).

50. Report of the International Law Commission covering the work of its third session, including:

- (a) *Reservations to multilateral conventions (resolution 478 (V) of November 16, 1950).*

The Commission in its report (A/CN.4/48) suggests five basic rules to be followed when reservations are made to multilateral conventions containing no provisions for such reservations. The question was raised by the Secretary-General at the fifth Assembly session in connection with the Convention on Genocide, and the Assembly invited the Commission to study the matter.

- (b) *Question of defining aggression (resolution 378 B (V) of November 17, 1950).*

Last November the Assembly referred to the Law Commission a U.S.S.R. proposal "to define the concept of aggression as accurately as possible." The Commission could not reach agreement on a definition but it discussed the proposal in connection with the preparation of a draft code of offences against the peace and security of mankind. It decided then to include acts of aggression and threats of aggression among the offences against the peace and security of mankind listed in the draft code.

- (c) *Draft code of offences against the peace and security of mankind (resolution 488 (V) of December 12, 1950).*

By its resolution of December 12, 1950, the Assembly invited Member states to comment on the Law Commission's formulations of the Nurnberg principles. It also asked the Commission to take account of these comments and of the Assembly discussion on the subject in drafting the code of offences against the peace and security of mankind. This the Commission has done and it now submits the text of a five-article draft code.

The first article makes the offences defined in the code crimes under international law for which the responsible individual shall be punishable; the second lists the offences; the third and fourth provide that a person is responsible whether he acted as head of state or responsible government official or in pursuance of superior orders provided a moral choice was possible; and the fifth states that punishment shall be determined in accordance with the gravity of the offence.

- (d) *Review of the Statute of the International Law Commission with the object of recommending revisions thereof to the General Assembly (resolution 484 (V) of December 12, 1950).*

The Assembly requested the Commission to review its statute and recommend on any desirable revisions to pro-

mote the work. The Commission recommends that its members to be elected in 1953 be placed in a position to devote their full time to the work, and that a longer term of office, six or nine years, be envisaged. For the present the Commission does not advance any other proposal for detailed amendments of its statute.

51. Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide: advisory opinion of the International Court of Justice (resolution 478 (V) of November 16, 1950).

Responding to a request by the Assembly, the International Court of Justice gave an advisory opinion on the effect of reservations in ratifying or acceding to the Convention on Genocide. The Court's opinion, handed down on May 28, 1951, was,

First:

"that a State which has made and maintained a reservation which has been objected to by one or more of the parties to the Convention but not by others, can be regarded as being a party to the Convention if the reservation is compatible with the object and purpose of the Convention; otherwise, that State cannot be regarded as being a party to the Convention."

Second:

"(a) that if a party to the Convention objects to a reservation which it considers to be incompatible with the object and purpose of the Convention, it can in fact consider that the reserving State is not a party to the Convention;

"(b) that if, on the other hand, a party accepts the reservation as being compatible with the object and purpose of the Convention, it can in fact consider that the reserving State is a party to the Convention."

Third:

"(a) that an objection to a reservation made by a signatory State which has not yet ratified the Convention can have the legal effect indicated in the reply to Question I only upon ratification. Until that moment it merely serves as a notice to the other State of the eventual attitude of the signatory State;

"(b) that an objection to a reservation made by a State which is entitled to sign or accede but which has not yet done so, is without legal effect."

52. Designation of non-Member states to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act: report of the Secretary-General (resolution 480 (V) of December 12, 1950).

The original General Act, drawn up in 1928 by the League of Nations and providing procedures for conciliation, arbitration and judicial settlement of disputes between states acceding to it, was revised by the General Assembly in April 1949 and opened for signature. There were 22 accessions to all or parts of the original Act. The Revised General Act came into force on September 20, 1950, ninety days after the accession of Belgium and Sweden. Norway has since acceded also. The Act provides that it "shall be open to accession by the Members of the United Nations, by the non-Member states which shall have become parties to the Statute of the International Court of Justice or to which the General Assembly shall have communicated a copy for this purpose." The question of sending copies of the Revised General Act to non-Member states was deferred from the fifth Assembly session to the sixth.

53. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America: report of the Secretary-General (resolution 481 (V) of December 12, 1950).

The Headquarters Agreement empowers the United Nations to make regulations within the Headquarters district for establishing conditions necessary for the full exercise of its functions. The Assembly authorized the Secretary-General to promulgate regulations whenever he considered such promulgation immediately necessary. On February 26, 1951 the Secretary-General promulgated the first such regulation—a measure designed to avoid multiple claims against the United Nations in respect of risks incurred during service with the United Nations. The regulation declares that persons in the service of the United Nations can claim only under the provisions of the United Nations Social Security System.

54. Ways and means for making the evidence of customary international law more readily available: report of the Secretary-General (resolution 487 (V) of December 12, 1950).

The Secretary-General reports on the recommendations of the International Law Commission that United Nations publications relating to international law be given the widest possible distribution, that the Assembly authorize the Secretariat to prepare and distribute eight groups of publications to make the evidence of customary international law more readily available, and that the Assembly suggest to governments that published digests of their diplomatic correspondence would be desirable.

55. Development of a twenty-year program for achieving peace through the United Nations: report of the Secretary-General (resolution 494 (V) of November 20, 1950).

On June 6, 1950, the Secretary-General circulated to Member states his "Memorandum of points for consideration in the development of a twenty-year program for achieving peace through the United Nations." The proposals were offered as "means by which the principles of the Charter and the resources of the United Nations could be employed to moderate the present conflict and enable a fresh start to be made toward eventual peaceful solutions of outstanding problems."

The ten points of the program are:

1. Inauguration of periodic meetings of the Security Council, attended by foreign ministers or heads or other members of governments, as provided by the United Nations Charter and the rules of procedure; together with further developments and use of other United Nations machinery for negotiation, mediation, and conciliation of international disputes.

2. A new attempt to make progress toward establishing an international control system for atomic energy that will be effective in preventing its use for war and promoting its use for peaceful purposes.

3. A new approach to the problem of bringing the armaments race under control, not only in the field of atomic weapons, but in other weapons of mass destruction and in conventional armaments.

4. A renewal of serious efforts to reach agreement on the armed forces to be made available under the Charter to the Security Council for the enforcement of its decisions.

5. Acceptance and application of the principle that it is wise and right to proceed as rapidly as possible toward universality of Membership.

6. A sound and active program of technical assistance for economic development and encouragement of broad

scale capital investment, using all appropriate private, governmental, and inter-governmental resources.

7. More vigorous use by all Member governments of the specialized agencies of the United Nations to promote, in the words of the Charter, "higher standards of living, full employment, and conditions of economic and social progress."

8. Vigorous and continued development of the work of the United Nations for wider observance and respect for human rights and fundamental freedoms throughout the world.

9. Use of the United Nations to promote, by peaceful means instead of by force, the advancement of dependent, colonial, or semi-colonial peoples toward a place of equality in the world.

10. Active and systematic use of all the powers of the Charter and all the machinery of the United Nations to speed up the development of international law toward an eventual enforceable world law for a universal world society.

On November 20, 1950, the Assembly commended the Secretary-General for his initiative in preparing his memorandum and presenting it to the Assembly. It requested the appropriate organs to consider the relevant parts and inform the sixth session, through the Secretary-General, of any progress achieved through such consideration. The Secretary-General has submitted a progress report on this matter.

56. Question of the full participation of Italy in the work of the Trusteeship Council: item proposed by the Trusteeship Council.

On December 2, 1950, the General Assembly approved the draft Trusteeship Agreement by which Italy, although not a member of the United Nations, became the Administering Authority of the Trust Territory of Somaliland. At its eighth session, the Trusteeship Council revised its rules of procedure to permit Italy to designate a representative who may be present at all Council sessions and participate without vote in the deliberations relating specifically to Somaliland, and also on general questions relating to the operation of the Trusteeship System.

In addition, the Council on February 23, 1951, adopted a resolution which in view of "the desirability of assuring the full participation of the Government of Italy in the work of the Trusteeship Council," requested the Assembly to consider the question at its sixth regular session.

57. Request of the Government of China for revision of the Chinese text of the Convention on the Prevention and Punishment of the Crime of Genocide: item proposed by the Secretary-General.

When China, on July 19, 1951, deposited its ratification of the Genocide Convention, the representative asked that the Chinese texts of the Convention be revised to make it conform with the other official texts. The Secretary-General pointed out that the Convention was in force, that the texts in all five official languages had been authenticated and that he had no authority to revise any version. China then asked that its request be considered a formal notification for revision. According to the Convention, it is for the Assembly to "decide upon the steps, if any, to be taken in respect of such request."

58. Relations with the World Meteorological Organization: item proposed by the Economic and Social Council.

A draft agreement to relate the newly established World Meteorological Organization to the United Nations is now before the Assembly. The draft was approved by the WMO Congress at its first session in April 1951. The Economic and Social Council has recommended it for Assembly approval. When this is done WMO will become a Specialized Agency.

SUPPLEMENTARY ITEMS

U.N. doc. A/1900
Dated Oct. 11, 1951

1. Draft Protocol relating to the Status of Stateless Persons: item proposed by the Secretary-General.

The Assembly at its last session asked the Secretary-General to convene in Geneva a conference of plenipotentiaries "to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons." Drafts of these instruments had been prepared by the Ad Hoc Committee on Refugees and Stateless Persons, and the Economic and Social Council.

The Conference of Plenipotentiaries met in Geneva from July 2 to 25. The Convention relating to the Status of Refugees was adopted on July 25 and has already been signed by fourteen states both Members and non-Members of the United Nations.

The Draft Protocol relating to the Status of Stateless Persons, prepared by the Ad Hoc Committee, provided that the most important provisions of the Convention relating to the Status of Refugees should equally apply to stateless persons who are not refugees but have become stateless in consequence of territorial changes. The Conference thought that the subject required more detailed consideration, and decided to refer it "to the appropriate organs of the United Nations for further study."

The Secretary-General is bringing this decision to the notice of the Assembly.

2. Appointment to fill a vacancy created in the United Nations Staff Pension Committee by the resignation of Dr. A. Nass: item proposed by the Secretary-General.

The Staff Pension Committee is the body which administers the Staff Pension Fund. It is composed of nine members and nine alternates. Three members and three alternates are elected every three years by the Assembly; three members and three alternates appointed by the Secretary-General and the same number elected by the participants in the Fund. Nominations are usually made by the Fifth Committee for election by the Assembly. This year's election is to fill a vacancy caused by resignation of Dr. A. Nass, elected by the Assembly in 1949.

3. Application of the Headquarters Agreement to representatives of non-governmental organizations: item proposed by Economic and Social Council.

In a resolution on this subject passed at its thirteenth session the Economic and Social Council requested the Assembly to make such arrangements for the attendance of Non-Governmental Organizations at Assembly meetings as the Assembly may deem advisable. The resolution points out that it is important for Non-Governmental Organizations with consultative status to follow Assembly discussions on items which concern them and which are within the competence of the Council.

In a resolution at its tenth session, the Council had already requested seating and other facilities for the Non-Governmental Organizations during Assembly meetings dealing with economic and social subjects. The problem arose, however, about the granting of United States visas for transit to the Headquarters district of non-American representatives of the organizations who wish to observe Assembly meetings. The Secretary-General had claimed that representatives of organizations with consultative status should be granted transit visas as needed for this purpose. The United States, however, took the position that the visas guaranteed by the Headquarters Agreement were accorded only for such visits as might reason-

ably be required for consultative arrangements made by the Economic and Social Council. It was not, the United States contended, the purpose of the Headquarters Agreement to provide a special privilege on every Non-Governmental Organization representative with respect to all meetings of the Assembly. (E/1921.)

4. Admission of new Members. Right of candidate states to present proof of the conditions required under Article 4 of the Charter: item proposed by Peru.

Article 4 provides that Membership in the United Nations is open to all peace-loving states which accept the obligations contained in the Charter and, in the judgment of the Organization, are able and willing to carry out these obligations. Admission is effected by a decision of the Assembly on the recommendation of the Security Council.

When the inclusion of this item in the agenda was requested, the Secretary-General was informed that the Peruvian delegation will submit the relevant documentation.

Fourteen nations are now awaiting admission to the United Nations, either because their applications did not receive enough affirmative votes in the Council for positive recommendations to the Assembly, or because of the negative vote of the U.S.S.R.

5. Questions concerning the liquidation of the International Institute of Intellectual Co-operation: item proposed by France.

The Council of the League of Nations established the International Committee on Intellectual Co-operation in 1922. In September 1925 this Committee was reconstituted as the International Institute for Intellectual Co-operation. The French Government gave the Institute an annual grant of 2,000,000 francs and a building in Paris.

In April, 1946, the last Assembly of the League of Nations transferred its property rights in the Institute to the United Nations.

In 1946, the General Assembly decided to transfer the functions and activities of the Institute to the United Nations Educational, Scientific and Cultural Organization (UNESCO) as soon as the latter had been definitely established. By the same resolution, the Assembly authorized UNESCO to utilize the assets of the Institute transferred by the League of Nations to the United Nations.

France has now requested the Assembly to consider final arrangements for the liquidation of the Institute.

6. Violation by France in Morocco of the principles of the Charter and the Declaration of Human Rights: item proposed by Egypt, Iraq, Lebanon, and Saudi Arabia (endorsed by Syria and Yemen) (A/1894, 1898, 1904, 1908, 1909, 1918).

Because of the national claims of the Moroccan Government and people, Egypt's explanatory memorandum says, the conflict between France and Morocco "has again reached a highly critical phase, as may be seen from the incidents which have occurred since the beginning of this year."

In view of the ties between the Moroccan people and the other Arab peoples, the Arab states "cannot remain indifferent to this state of affairs, which not only constitutes a violation of the Treaty of 1911, which is itself incompatible with the principles of the United Nations Charter, but also infringes the provisions of the Charter and of the Declaration of Human Rights."

The friendly representations made to the French Government by the Arab League states having proved unsuccessful, therefore, the sponsor states bring the matter before the Assembly "in order to satisfy the just aspirations

of the Moroccan people and to avoid the developments to which this state of tension dangerous to peace in that region might give rise."

7. Financial and Economic Provisions in Respect of Eritrea, Arising Out of Paragraph 19 of Annex XIV of the Treaty of Peace with Italy: item proposed by the United Kingdom.

Paragraph 19 of Annex XIV of the Treaty of Peace with Italy states that the economic and financial provisions to be applied to the former Italian colonies will form part of the arrangements for the final disposal of these territories, pursuant to Article 23 of the Treaty. In accordance with last year's General Assembly decision Eritrea is to be federated with Ethiopia and form an autonomous unit under the Ethiopian crown. They present transitional stage, during which an Eritrean Government will be organized and a Constitution put into effect, is to end not later than September 15, 1952. The United Kingdom is the present administering authority in the territory, but before the transfer of power takes place various economic and financial provisions will have to be determined.

It is considered that measures may be necessary for setting out the economic and financial provisions which are required in Eritrea, similar to those taken under Resolution 388 (V) on Libya, adopted by the General Assembly last year.

8. Consideration of the Assembly's Methods and Procedures for Dealing with Legal and Drafting Questions: item proposed by the United Kingdom.

The United Kingdom proposes that where possible legal questions arising out of items assigned to other committees should be referred to the Sixth (Legal) Committee; that the Sixth Committee or an appropriate drafting body of that committee should review the formulation of requests for advisory opinions by the International Court of Justice; and possibly that it should also review other resolutions for drafting purposes.

9. Admission of new Members: item proposed by El Salvador, Guatemala, and Honduras (endorsed by Nicaragua).

An explanatory memorandum (A/1906) says that the great majority of Members remains convinced that the United Nations should do its utmost to admit all qualified states which have repeatedly expressed the desire to join.

At the fifth session, the Assembly asked the Council to keep the pending applications for Membership under consideration, but the Council did not discuss the matter. The sponsors intend to propose a new approach to the problem so that the United Nations is no longer to be deprived of the collaboration of democratic peoples and governments. They are interested in the admission of several countries, particularly Italy, and will submit a concrete proposal in Paris.

Korean Armistice Negotiations

Four-Month-Old Truce Talks Analyzed

The following statement was released to the press on October 28 by General Headquarters, United Nations Command:

In the 113 days since General Ridgway's first formal message concerning a possible military armistice conference on June 30,¹ 32 days have been devoted to substantive discussions by the delegations or the joint subcommittee of the delegations.²

Of these 30 days, the full delegations met on 26 of them and the joint subcommittee met 6 days.

The liaison officers of both sides discussed matters concerning the initiation of full delegation conferences, or the resumption of them, on 15 days.

Five days of the 113 were spent by liaison officers in the investigation of alleged incidents with no other business being transacted on those days.

Sixty days of the total since June 30 have been unproductive other than for the exchange of written communications on some of them.

The longest period of unproductivity was 32 days, between August 23, when the Communists arbitrarily halted the conferences, and September 24, when the liaison officers met to discuss resumption of the talks.

There follows a detailed analysis through October 20:

Unproductive	Liaison Officer Meetings	Substantive Discussions	Investigations of Alleged Incidents
1-7 Jul (7) 9 Jul (1) 12-14 Jul (3) 20 Jul (1) 22-24 Jul (3) 5-9 Aug (5) 24-31 Aug (8) 2-9 Sep (8) 11-18 Sep (8) 20-23 Sep (4) 28-29 Sep (2) 30 Sep-9 Oct (10)	8 Jul (1) 24-27 Sep (4) 10-12 Oct (3) 14-20 Oct (7)	10-11 Jul (2) 15-19 Jul (5) 21 Jul (1) 25 Jul-4 Aug (11) 10-22 Aug (13)	23 Aug (1) 1 Sep (1) 10 Sep (1) 19 Sep (1) 13 Oct (1)
Total.....6015325

¹ BULLETIN of July 9, 1951, p. 43.

² The joint subcommittee is charged with making recommendations on a mutually satisfactory demarcation line and a demilitarized zone.

U. S. DELEGATIONS TO INTERNATIONAL CONFERENCES

South American/South Atlantic Air Navigation (ICAO)

The Department of State has announced that the joint South American/South Atlantic Regional Air Navigation Meeting of the International Civil Aviation Organization (ICAO) will convene on October 30 at Buenos Aires, Argentina. The United States delegation is as follows:

Delegate

Claude A. Smith, *Chairman*, United States Member on the Air Navigation Commission of the International Civil Aviation Organization

Alternate Delegates

James F. Angler (spokesman, AGA), Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce

Henry S. Chandler (spokesman, RAC), International Standards Adviser, Airways Operations Division, Civil Aeronautics Administration, Department of Commerce

Robert W. Craig (spokesman, MET), Special Assistant to the Assistant Chief, Weather Bureau, Department of Commerce

Gordon C. Pearson (spokesman, COM), Chief, Technical Services Branch, Airways Operations Division, Civil Aeronautics Administration, Department of Commerce

Gilbert V. Tribbett (spokesman, S/C-1), Adviser, Office of Aviation Safety, Civil Aeronautics Administration, Department of Commerce

Clement Vaughn, Commander, USCG (spokesman, SAR), Search and Rescue Agency, United States Coast Guard, Department of the Treasury

Advisers

Robert E. Beck, Capt., USAF, Chief, Directives Branch, HQ Air Weather Service, Department of the Air Force

William B. Becker, Regulations and International Operations Specialist, Operations Division, Air Transport Association of America, Inc.

William F. Dawson, Commander, USN, Head of the Airspace Section, Civil Aviation Liaison Branch, Department of the Navy

Roy E. Friedrich, Capt., USAF, Chief, ICAO Branch, Military Air Transport Service, Department of the Air Force

Grove C. Johnson, Maj., USAF, Civil Liaison Branch, Flight Operations Division, Department of the Air Force

Thomas A. Kouchnerkavich, Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce

John S. MacDonald, Acting Chief, International Branch of Aviation Division, Federal Communications Commission

W. Dixon Markey, Flight Operations Specialist, International Standards Division, Bureau of Safety Regulations, Civil Aeronautics Board

William J. McKnight, Special Representative, Technical Services Department, Aeronautical Radio, Inc.

Allison E. Menhennick, Airways Operations Specialist, Airways Operations Division, Civil Aeronautics Administration, Department of Commerce

James A. Palmer, Lt. Comdr., USCG, Aeronautical Communications Officer, Communications Division, United States Coast Guard, Department of the Treasury

William C. Peck, Civilian Chief, Installations Planning Division, Directorate of Installations, Deputy Chief of Staff/Matériel, Department of the Air Force

F. G. Raysbrook, Capt., USN, Head of Aeronautical Communications Section, Office of Director of Naval Communications, Office of Chief of Naval Operations, Department of the Navy

Oscar L. Wallace, Chief Adviser, International Field Office, Civil Aeronautics Administration, Department of Commerce

Administrative Secretary

Thomas J. Hunt, Division of International Conferences, Department of State

The first South American Regional Air Navigation Meeting, held at Lima, Peru, June 17-July 7, 1947, and the first South Atlantic Regional Air Navigation Meeting, held at Rio de Janeiro, Brazil, July 15-31, 1947, surveyed the then existing air navigation facilities and services in the respective regions, and recommended such improvements as were considered necessary for the regularity and safety of air navigation. On the basis of reports and recommendations made by the two meetings, plans for the development of air navigation facilities and services in the two regions were subsequently adopted by the Council of ICAO.

The forthcoming joint meeting has been called by ICAO for the purpose of reviewing the extent to which the recommended plans have been implemented, reexamining the requirements for air navigation facilities and services in the light of current aircraft operations in the two regions, and recommending to the Council of ICAO such amendments and revisions of the regional plans as may be deemed necessary.

North Pacific Fisheries

On October 23 the Department of State announced that the U. S. Government had accepted an invitation of the Japanese Government to participate in tripartite (Canada, Japan, and the United States) negotiations for a North Pacific fisheries convention, scheduled to commence at Tokyo, Japan, on November 5, 1951.

Informal discussions regarding North Pacific fisheries have been conducted during the past few months between the Governments concerned. In convening this meeting, the Japanese Government is carrying out the provisions of article 9 of the Treaty of Peace which was signed at San Francisco on September 8, 1951. Provision was made in that article for Japan promptly to begin negotiations with the Allied Powers so desiring for the conclusion of agreements providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.

The U.S. delegation is as follows:

Delegate

William C. Herrington, Special Assistant to the Under Secretary, Department of State

Alternate

Milton C. James, Assistant Director, Fish and Wildlife Service, Department of the Interior

Member

Warren F. Looney, Office of the Special Assistant to the Under Secretary, Department of State

Advisers

Edward W. Allen, Allen, Hilen, Froude, DeGarmo and Leedy, Seattle; Commissioner, International Fisheries Commission and Member, Pacific Fisheries Conference
Milton C. Brooding, California Packing Corporation, San Francisco, Calif.; Chairman of Executive Committee, Pacific Fisheries Conference

Richard S. Croker, Chief, Bureau of Marine Fisheries, Department of Natural Resources, State of California
Donald P. Loker, General Manager, High Seas Tuna Packing Company, San Diego, Calif.; Member, Pacific Fisheries Conference

Harold E. Lokken, Manager, Fishing Vessel Owners Association, Seattle, Wash.; Member, Pacific Fisheries Conference

THE CONGRESS

Legislation

Terminating the State of War Between the United States and the Government of Germany. S. Rept. 892, 82d Cong., 1st sess. [To accompany H. J. Res. 289] 8 pp.

Amending the Atomic Energy Act of 1946, As Amended. S. Rept. 894, 82d Cong., 1st sess. [To accompany S. 2233] 5 pp.

Amending the Atomic Energy Act of 1946, As Amended. H. Rept. 1104, 82d Cong., 1st sess. [To accompany H. R. 5646] 5 pp.

Authorizing the President To Invite the States of the Union and Foreign Countries To Participate in the Chicago International Trade Fair. H. Rept. 1115, 82d Cong., 1st sess. [To accompany H. J. Res. 331] 3 pp.

Suspending the Import Duties on Tungsten. H. Rept. 1152, 82d Cong., 1st sess. [To accompany H. R. 5248] 5 pp.

Imposition of Duties on Tuna Fish. H. Rept. 1153, 82d Cong., 1st sess. [To accompany H. R. 5693] 9 pp.

Export Controls and Policies in East-West Trade. Report of the Committee on Interstate and Foreign Commerce pursuant to S. Res. 365 (81st Cong.) (Continued by S. Res. 56, 82d Cong.) authorizing the study and investigation of export policies and control regulations. S. Rept. 944, 82d Cong., 1st sess. 134 pp.

An Act To Increase the Lending Authority of Export-Import Bank of Washington and To Extend the Period Within Which the Bank May Make Loans. Approved October 3, 1951. S. 2006. Public Law 158, 82d Cong., 1st sess. 1 p.

An Act Authorizing Vessels of Canadian Registry To Transport Grain Between United States Ports on the Great Lakes During 1951. Approved October 10, 1951. H. R. 3436, Public Law 162, 82d Cong., 1st sess. 1 p.

Ship Warrants Act of 1951. Hearing before the Subcommittee on Merchant Marine and Maritime Matters of the Committee on Interstate and Foreign Commerce, United States Senate, Eighty-second Congress, first session on S. 1221, a bill to provide for priorities in transportation by merchant vessels in the interests of national defense, and for other purposes. July 13, 1951. 72 pp.

Nomination of Ambassador to India. Hearing before a subcommittee of the Committee on Foreign Relations, United States Senate, Eighty-second Congress, first session on the Nomination of Chester Bowles of Connecticut, to be United States Ambassador Extraordinary and Minister Plenipotentiary to India. September 22, 1951. 29 pp.

Supplemental Appropriations for 1952. Hearings before the Committee on Appropriations, United States Senate, Eighty-second Congress, first session on H. R. 5215, making supplemental appropriations for the fiscal year ending June 30, 1952, and for other purposes. 1437 pp.

Proposing an Amendment to the Constitution of the United States Providing for the Election of President and Vice President. H. Rept. 1199, 82d Cong., 1st sess. [To accompany H. J. Res. 19] 36 pp.

Authorizing the Appointment of 14 Members of Congress To Participate In a Public Discussion of Problems of Common Interest with Representatives of the Consultative Assembly of the Council of Europe. H. Rept. 1202, 82d Cong., 1st sess. [To accompany S. Con. Res. 36] 1 p.

Suspending the Import Duties on Zinc. H. Rept. 1214, 82d Cong., 1st sess. [To accompany H. R. 5448] 8 pp.

Mutual Security Appropriation Bill, 1952. H. Rept. 1223, 82d Cong., 1st sess. [To accompany H. R. 5684] 3 pp.

Mutual Security Appropriation Bill, 1952. S. Rept. 960, 82d Cong., 1st sess. [To accompany H. R. 5684] 3 pp.

Authorizing the Establishment of Facilities Necessary for the Detention of Aliens in the Administration and Enforcement of Immigration Laws, and for Other Purposes. S. Rept. 1013, 82d Cong., 1st sess. [To accompany S. 1932] 5 pp.

To Prohibit the Display of Flags of International Organizations or Other Nations in Equal or Superior Prominence or Honor to the Flag of the United States Except Under Specified Circumstances, and for Other Purposes. S. Rept. 1019, 82d Cong., 1st sess. [To accompany S. 2039] 3 pp.

Development and Control of Atomic Energy. S. Rept. 1041, 82d Cong., 1st sess. [Pursuant to Public Law 585, 79th Cong.] 7 pp.

Providing for the Free Importation of Baler Twine. S. Rept. 1050, 82d Cong., 1st sess. [To accompany H. R. 1005] 3 pp.

Suspending the Import Duties on Lead. S. Rept. 1053, 82d Cong., 1st sess. [To accompany H. R. 4948] 3 pp.

Suspending the Import Duties on Zinc. S. Rept. 1057, 82d Cong., 1st sess. [To accompany H. R. 5448] 4 pp.

The Loyalty Program and Communists in Government

by Conrad E. Snow
Chairman of the Loyalty Security Board¹

I have been asked to speak on the *allegation*, widely broadcast in the United States—that the United States Government has been infiltrated by Communists and Communist sympathizers—and on the *remedy* devised to prevent infiltration of the Government by Communists—the President's loyalty program.

The subject matter has a threefold interest for lawyers-in-training: (1) lawyers as citizens are interested in the *allegation* itself. Is it a fact that there are Communists in government, and, if not, what is this "McCarthyism" that tirelessly proclaims that there are Communists in government? (2) lawyers are interested in the *remedy*, as a legal device for determining that Government employees are not Communists or Communist sympathizers—or, in a broader sense, are not disloyal persons or security risks. Is the device an infringement on American constitutional guarantees? (3) lawyers are interested in the *allegation* and the *remedy* taken together, in their joint effect on the freedom of thought and action which is at once our American heritage and the touchstone of democracy. Is freedom of thought and action being stifled through fear or unjust accusation on the one hand and of ineligibility for government employment on the other hand? I shall try to make a brief contribution to all three aspects of the subject.

Truth of Allegation Denied

Under the first head, the *truth of the allegation*, I can speak only for the Department of State and for the period 1947 to the present, the period of my participation in the loyalty and security program, but for that Department and for that period, I can say confidently that there are no known Communists in Government. If there are any secret Communists—Communists who join no

Communist fronts and speak no Communist sentiments—of course I cannot say, for they are not known. The Hiss case and the case of Judith Coplon in the Department of Justice have done more harm in terms of public confidence than any harm Hiss or Coplon ever did in the delivery of classified papers. Both worked in absolute secrecy—their best friends were ignorant of their acts. Neither would have been employed by Government for a day after their acts were discovered. But a swallow does not make a summer—neither do these two cases make out an infiltration of Government by Communists.

Since August 21, 1939, when the Hatch Act was passed by Congress, it has been unlawful for any Federal employee to have membership in a party which advocates the overthrow of the constitutional form of Government of the United States. In other words, it has been unlawful since 1939 to employ a Communist in Government. Since December 17, 1947, when the President's loyalty program was implemented by directive of the Loyalty Review Board of the Civil Service Commission, the Loyalty Security Board of the Department of State has had before it over 500 cases of State Department employees who have been investigated for loyalty by the Federal Bureau of Investigation—the FBI—and not one case has been found of a present Communist working in the State Department. Over that period eight employees have been held to be security risks, but not one of these admitted present membership in the Communist Party, nor was there evidence of present membership. I cannot discuss individual cases—all I can say is that some of these eight had close relatives who were Communists, some married Communists, and some were alleged to have held Communist meetings in their homes and to have had Communist affiliations at a remote period in their past. About 40 other employees have elected to resign during the process of investigation and adjudication of loyalty. What might have been found in their cases, had they gone to hearing, of course, I do not know. But

¹ Address made before Nu Beta Epsilon, Legal Fraternity of George Washington University, at Washington on Oct. 25 and released to the press on the same date.

this small number—less than 50 in all—out of a department of 94,000 employees—who have either been held to be security risks or who have for one reason or another desired not to face investigation, does not indicate any noticeable infiltration of Communists in Government.

What, then, is all the shouting about? The best and shortest answer I can give you is to ask you read the article, *Demagogue McCarthy*, or *Weighed in the Balance*—that appeared in *Time* Magazine, October 22, 1951. The old saying is—where there is so much smoke, there must be some fire. There is, however, no excuse for mistaking dust for smoke. The dust in the present case is created by one man, tramping about the Nation and making, over and over again, the same baseless and disproved accusations. The one man is able to raise so much dust only because (1) he is a Senator of the United States, and (2) he speaks in a loud and determined voice and waves in his hand a bunch of photostats that nobody takes the trouble to examine.

On February 9, 1950, after the loyalty program had been 2 full years under way, Senator McCarthy arose at Wheeling, W. Va., to say "I have here in my hand a list of 205—a list of names that were made known to the Secretary of State as being members of the Communist Party and who nevertheless are still working and shaping policy in the State Department." What he had in his hand I do not know, but he had no such list. He may have had a list of 205 employees that Secretary of State Byrnes, almost 4 years before, on July 27, 1946, had made known to Congress, whose permanent employment had been recommended against by a State Department screening committee, and most of whom by 1950 were no longer in the employ of the Department. Senator McCarthy did not again mention the 205 names—instead, on February 20, 1950, on the Senate floor, he claimed to have said on February 9, "I have in my hand 57 cases of individuals who would appear to be either card-carrying members or certainly loyal to the Communist Party, but who nevertheless are still helping to shape our foreign policy." Later on he presented to a subcommittee of the Senate a list of 80 names of persons whose loyalty files, he claimed, would support his charges. As a matter of fact, half of the 80 were no longer, in 1950, employed by the Department of State, and the other half, after Fbr investigations, had been cleared for loyalty by the Loyalty Security Board of the Department. As to these 40, still in the employ of the Department, the Senator had no new information—all he had was allegations, blown up and colored by his own imagination, which were contained in the loyalty files themselves and which had been made available by the Department, in 1947, to a Committee of the 80th Congress. To this day, despite all his clamor about Communists in the State Department, I am not aware of a single item of new evidence of dis-

loyalty which Senator McCarthy has contributed for the assistance of the Loyalty Security Board in its continuing and continuous efforts to pass on all allegations of disloyalty. The Board thought the other day that it might have some help from the Senator. He had alleged on the floor of the Senate that a Department employee was associating with a Communist. On inquiry made of the Senator for the name of the Communist, his office replied—the Senator had had the name in his hand when he made the statement, on a slip of paper, but he had lost the paper.

This is McCarthyism—the making of baseless accusations regarding the loyalty and integrity of public officers and employees, by a person who is himself in high public office and who uses his office at one and the same time as a platform from which to shout his accusations and as a screen to protect himself from action for defamation. The purpose of it all is, of course, not the public interest, but political advancement in a period of public tension and excitement.

Loyalty Program Antedates McCarthyism

This brings me to the second point. What about the Loyalty Program, designed to prevent infiltration of Government by communism, and, in fact, antedating McCarthyism by 2 full years? The program was initiated by the President on March 21, 1947, by Executive Order 9835, but not implemented until the issuance of the guiding directive, on December 17, 1947, by the Loyalty Review Board, established in the Civil Service Commission under Seth W. Richardson—Republican assistant attorney general under Herbert Hoover. The purpose of the program was (1) to assure that all employees of the Government are of complete and unswerving loyalty to the United States; (2) to give to the United States maximum protection against the infiltration of disloyal persons, and (3) at the same time to protect the loyal employees of the Government from unfounded accusations.

Even prior to the implementation of Executive Order 9835 the State Department had taken action. Under the so-called McCarran Rider in the annual appropriation act, the Secretary of State possessed the power of summary dismissal of employees, "whenever he shall deem it necessary or advisable in the interest of the United States." On June 9, 1947, General Marshall, Secretary of State, appointed a Personnel Security Board, to review the records of State Department personnel for termination of all "security risks." I was appointed chairman of that Board, which, in December 1947, became the Loyalty Security Board of the State Department, with the duty of applying both the loyalty standards that had been set up by Seth Richardson's Loyalty Review Board, and the security principles that had been previously made a part of State Department regulations. Already by December the Board had

recommended the dismissal of 10 employees as security risks—a general housecleaning that took place in the State Department before the initiation of the President's Loyalty Program. Since, in the Department of State, the loyalty and security functions are now carried on by the same Board at the same time, under the same regulations, it may for our purpose be considered a single program. I would like you to take a look at this program—let's look at it *as though it were a criminal proceeding*. Let's consider the crime and the standard of guilt, the prosecution and type of evidence admitted, the defense and the constitutional guarantees, and the tribunal, the Loyalty and Security Board. I will have to remind you constantly, however, that it is not a criminal proceeding, but an adjudication of a privilege.

The first thing in such a program to catch the lawyer's eye is the *standard of guilt*. Under the original Executive Order 9835 the standard in loyalty cases was "that on all the evidence reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States." In the security regulations of the Department of State, however, "if a reasonable doubt exists" the Board was directed to give the Department the benefit of the doubt. By a new Executive Order 10241 of April 28, 1951, the President has prescribed a new standard for loyalty cases—"that, on all the evidence, there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States." This is the equivalent of what has been all along the standard of the State Department in adjudging security risk. This standard of "reasonable doubt" is, of course, the very antithesis of the common law standard of reasonable doubt in criminal cases. In a criminal case a man may be convicted only if guilty beyond a reasonable doubt. In loyalty cases he is removed from employment if there is a reasonable doubt as to his innocence. Instead of the State having to prove his guilt beyond a reasonable doubt as in criminal cases, the accused has to prove his innocence (i. e., his loyalty) beyond a reasonable doubt. The only justification for the stiffness of the standard and the burden on the accused is that it is *not* guilt that is being adjudicated, but merely a privilege of employment by the Government of the United States. It is of importance to lawyers, however, to note that in loyalty and security cases, as now adjudicated, the odds are against the employee.

What, then, is this *disloyalty* to the Government of the United States, or this *security risk*, of which government employees must be cleared beyond a reasonable doubt, in order to qualify for employment by the Government? Fundamentally, *disloyalty* to the Government of the United States comes under one or the other of two heads—it is either the attitude of a person who seeks to alter the form of government of the United States by unconstitutional means, or it is action preferring the interests of another government over the in-

terests of the United States Government. Under the first head come the subversives—the advocates of revolution, force, and violence; under the latter head come the spies, saboteurs—the persons who intentionally disclose confidential information or perform their duties so as to serve the interests of another nation; under both heads come the Communists, for they both seek to alter the form of Government of the United States by violence, and they prefer to the interests of the U.S. Government, the interests of the Soviet Union. Security risk is a broader concept, which includes *disloyalty*. A *security risk* is a person who discloses classified information without authority. He may do it with the knowledge or belief that it will be transmitted to agencies of a foreign government, or he may simply be so consistently irresponsible as to show extreme lack of care or judgment. In the first case he would be disloyal, in either case he is a security risk. Into this category of security risks fall the persons who, although not themselves Communists, have habitual or close association with Communists—who have married Communist spouses, who live with Communist parents, who persist in close association with Communists after they have become aware of their traitorous activities. This is the category in which the State Department Loyalty Security Board, applying the standard of reasonable doubt since its inception, has made 20 adverse decisions out of 546 adjudications (to October 1, 1951).

Procedures of Disloyalty Investigations

The next matter to catch the lawyer's eye, after the definition of the crime and the standard of guilt, is the *prosecution*—the State's case, the type of evidence admitted, the derogatory information. Every employee of the Department of State undergoes a thorough investigation by the Department's own Security Division before he is employed. The only exception to this occurred at the end of the war, late in 1945 and early in 1946, when 12,000 employees of emergency war agencies were by Executive Order shovelled into the State Department without previous screening by the Department—I refer to the Office of Strategic Services, the Office of War Information, the Foreign Economic Administration, and the like, certain of whose wartime functions were deemed necessary for the postwar period, and were assigned to the Department of State. This number was at once reduced to 4,000 by reduction in force, and a screening committee established in the Department to pass on the loyalty and eligibility of the 4,000 for employment. It was the report of a preliminary examination by this screening Committee, made by Secretary Byrnes to Congress in July 1946, that, as I have said before, undoubtedly furnished Senator McCarthy with his initial figure of 205.

Every person who was in the employ of the State Department on October 1, 1947, and every

person since employed, in addition to being investigated by the Security Division of the Department has been submitted to the FBI for a "record check." If the FBI, on this "record check", turns up a single item of derogatory information, in the loyalty field—even if it be no more than membership in 1941 in the Washington Book Shop—the employee is given a "full field investigation", and the confidential reports of that investigation are forwarded to the Department Loyalty Security Board, for determination of the employee's loyalty and security risk. These investigative reports constitute the prosecution—the State's case—which is before the Board for a judicial determination.

Just a word about these reports. The FBI has had the benefit of the Department's original investigation, but it has performed a vast labor in addition. They have interviewed everybody—references, relatives, teachers, employers, supervisors, friends, enemies, landlords, neighbors, and acquaintances. They cover the employee from high school days down. Most of the information secured is confidential, and many of the sources are undisclosed in the report, or denominated as Washington T-1, or New York T-1, a person who has previously given reliable information, or a person of unknown reliability. Even anonymous allegations are reported; hearsay is given full rein. The reports are very full and completely objective—they cover both the favorable and the unfavorable information received—and they neither evaluate the testimony nor draw conclusions. This is left to the Board, which is not an investigatory body. The Board has only three ways of adding to the file (1) it may request further investigation by the FBI; (2) it may propose written interrogatories to the employee, to get his explanation of items of derogatory information; or (3) it may go to a hearing, at which time it may cross-examine the employee or his witnesses. These FBI reports—with the original Department investigation—the interrogatories proposed by the Board, the answers of the employees, and the transcripts of the hearings, constitute the "loyalty files" about which you have heard so much, and which the President has directed shall not be disclosed. The only exception to this order is the transcript of the hearing, a copy of which on request is given to the employee, who may publish it or not as he desires. For instance, you can read the entire transcript of the hearing in the case of John Service. He voluntarily produced it before the subcommittee of the Senate Committee on Foreign Relations, and it is printed in full in the Appendix to the Hearings before the Subcommittee on S. Res. 231, U. S. Senate, 81st Cong., pp. 1958-2509.

Along with the *prosecution*, of course, comes the *defense*. On consideration of the FBI reports the Board may, and commonly does, clear the employee. In a large proportion of the cases, because of the completeness of the reports, and the impar-

ality with which they report the favorable with the unfavorable, the triviality of the derogatory information, or its lack of foundation or credibility, becomes plainly apparent, and the Board is left without a reasonable doubt. Quite frequently, however, this point is not arrived at until the Board, as above stated, has propounded written interrogatories to the employee and has received his answer. It is only in cases in which the Board, either with or without interrogatories, is left with a reasonable doubt as to loyalty or security risk that the case comes to a hearing. In such cases the Board formally proposes removal action, which is done by notice in writing to the employee, stating the charges in factual detail, so far as security considerations permit. This gives the employee a right to an administrative hearing, after due opportunity to prepare his case, at which hearing he may appear personally, be represented by counsel of his own choosing, and present evidence in his own behalf. The "State's Case" is not presented at the hearing, for it is already before the Board in the confidential reports of the FBI, but for the further protection of the employee, all informants who have given derogatory information on loyalty and who have not expressed an unwillingness to testify before the Board, are invited to attend and submit to cross-examination by the employee or his counsel. The Board has no power to subpoena, and the attendances must be voluntary, and commonly without compensation for expenses.

If the result of the hearing is unfavorable to the employee, he may appeal to the Secretary of State, or some person designated by him to hear the appeal, and on the issue of loyalty, he has a further appeal to the Loyalty Review Board. Every decision of the Loyalty Security Board, with or without hearing, favorable or unfavorable to the employee, goes to the Loyalty Review Board of the Civil Service Commission for post-audit. This Board, originally under Seth Richardson, is now headed by ex-Senator Hiram Bingham of Connecticut, another Republican. The Loyalty Review Board may affirm the determination of the Loyalty Security Board, it may remand the case to the Loyalty Security Board for further processing, such as interrogatories, or a hearing, or it may take the case into its own hands and hold a new hearing itself and either affirm or reverse the determination of the Loyalty Security Board.

Thus far the Review Board has remanded 17 out of 508 loyalty cases of the State Department Loyalty Security Board and has retried one case on its own account. In this case, it affirmed the Department adjudication. Another case is now slated for hearing before the Review Board.

What, then, of the Constitutional guarantees? Here is no presentment or indictment by grand jury, but instead a secret investigation by a Government agency, the FBI, presented to another Government agency—the Loyalty Security Board. It is true that the employee is not compelled to

be a witness against himself, nor is he deprived of life, liberty, or property. He has a speedy, but not public, trial, for no persons are permitted at hearings except the Board, its counsel, the transcriber, the employee, his counsel, and the witnesses, one by one. Here is no trial by jury in the district of the "crime", no compulsory process for obtaining witnesses in his favor, and only a very limited, if any, confrontation with the witnesses against him. In fact, he cannot be completely informed of the nature and cause of the accusation, insofar as the source of the derogatory information cannot be revealed by the Board. However, the Board does the best it can under the circumstances to inform him of the nature and cause of the accusation, he has a full hearing, and the assistance of counsel in his defense. It is clear, that the proceeding lacks important elements of a Constitutional criminal prosecution. Again, I can only say that it is not a crime that is being prosecuted, but it is a privilege that is being adjudicated, the privilege of employment by the Government.

We come, finally, after consideration of the "crime", the *prosecution*, and the *defense*, to the *tribunal*. This is the Loyalty Security Board of the Department of State. Originally consisting of three members, it now consists of 20 outstanding directors of bureaus or offices, and chiefs or officers-in-charge of divisions or branches in the Department and Foreign Service officers, including a number designated for service in Germany, in the Office of the U. S. High Commissioner. The Board sits on cases in panels of three. The FBI reports come to the Board in triplicate, and are assigned to a panel designated by the Board's legal officer, in accordance with the availability of Board members. The three members of the panel read the file of the case individually, and meet for the initial consideration of the case, and for their passing on replies to interrogatories. In hearings, they sit as a bench of three, of whom one is chairman, but all of whom, together with the Board's counsel, question the employee and his witnesses. The final decision does not reflect the opinion of one man, but the independent judgments of three minds. Decisions are nearly always unanimous but occasionally a dissent crops up. Originally the Board was not required to make a written finding of the facts, but to state merely the action taken. Now a member of the panel writes a summary of the case for the benefit of the Review Board. Panels of the Loyalty Security Board endeavor to conduct all hearings and to make all decisions, with fairness, impartiality, and cooperativeness, bearing in mind that the proceeding is an investigation, not a prosecution, and that the whole program has for its purpose not only to protect the Government of the United States, but also to protect loyal

employees of the Government from unfounded accusations.

McCarthyism Vis-à-Vis Freedom of Thought

This last remark brings me to the third and final aspect of the matter—the impact of McCarthyism on the one hand and of the Loyalty Security program on the other hand, on freedom of thought and action among the American people. I think I shall have to leave that for your consideration, in the light of what can be said about both. Insofar as McCarthyism restrains honest and loyal people from giving consideration, either singly or collectively, to the needs of the underprivileged and the oppressed, to the injustices and abuses of the economic, social, and political life of this country, for fear of being blackmailed as Communists or Communist sympathizers, it is undoubtedly suppressing freedom of thought and action in a most important manner. Insofar as McCarthyism, or intolerance in politics, is substituting for simple loyalty to this country, for willingness to fight in its armies or to give sacrificial service in public employment, a standard which requires blind subservience to a political thesis, either national or international, such as the New Deal on the one hand, or support of Chiang Kai-shek on the other hand, it is putting freedom of thought and honesty of purpose into a strait-jacket, which would deprive us of our free heritage and ultimately of our democracy. Insofar as the administration of the Loyalty Security program, by its method of interrogation, its manner of conducting hearings, its decisions on individual cases, gives support to the public belief that the baseless smears of the demagogue are given effect in the Loyalty and Security program, it has cooperated in the destruction of freedom of thought and expression.

It has been the constant and consistent effort of the Loyalty Security Board of the Department of State to conduct the Loyalty and Security program so as to merit the confidence of the general public and of the employees of the State Department in particular, that it is a fair and sound judicial instrument, that it does not give effect to baseless smears, and that it is effectively protecting, not only the Government of the United States, but also the loyal employees of that Government. By so doing, the Board hopes to contribute to make the Loyalty Program not only an effective instrument of national defense, but also a protection for freedom of honest and loyal thought, speech, and action. Unless we succeed we shall not have, in the field of foreign policy, fair observation of facts abroad, honest and objective reporting, and unbiased judgment at home. Freedom of opinion and expression, and public confidence in that freedom, is not only, as I have said above, the American heritage, but it is also a shield to the very survival of our form of democracy.

PUBLICATIONS

Recent Releases

For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.

Education: Cooperative Program in Bolivia. Treaties and Other International Acts Series 2183. Pub. 4117. 3 pp. 5¢

Agreement between the United States and Bolivia—Signed at La Paz July 28 and 29, 1949; entered into force July 30, 1949.

Economic Cooperation With Greece Under Public Law 472—80th Congress. Treaties and Other International Acts Series 2238. Pub. 4219. 2 pp. 5¢.

Agreement between the United States and Greece—Signed at Athens March 6 and 30, 1951; entered into force March 30, 1951.

Mutual Defense Assistance. Treaties and Other International Acts Series 2241. Pub. 4221. 3 pp. 5¢.

Agreement between the United States and India—Signed at Washington March 7 and 16, 1951; entered into force March 16, 1951.

Mutual Defense Assistance. Treaties and Other International Acts Series 2245. Pub. 4230. 8 pp. 5¢.

Agreement between the United States and Yugoslavia—Signed at Belgrade April 17, 1951; entered into force April 17, 1951.

Report of the First Annual Meeting of the International Commission for the Northwest Atlantic Fisheries. International Organization and Conference Series I, 15. Pub. 4244. 52 pp., map. 45¢.

A report by the chairman concerning the first annual meeting, Washington, D. C., April 2-10, 1951, with appendices.

In Quest of Peace and Security. General Foreign Policy Series 53. Pub. 4245. 120 pp. 55¢.

Selected documents on American foreign policy, 1941-1951.

Fourth Session of the General Conference of the United Nations Educational, Scientific and Cultural Organization, Paris, France, Sept. 19-Oct. 5, 1949. International Organization and Conference Series IV, UNESCO 14. Pub. 4249. 55 pp. 25¢.

Report of the United States delegation.

Young Germany: Apprentice to Democracy. European and British Commonwealth Series 24. Pub. 4251. 78 pp. 25¢.

A pamphlet describing the ways in which the Western occupation authorities seek to develop independence of thought and judgment in German boys and girls.

American Agriculture and World Trade. Commercial Policy Series 137. Pub. 4252. 8 pp. Free.

A fact sheet.

United States Policy in the Korean Conflict, July 1950-February 1951. Far Eastern Series 44. Pub. 4263. 52 pp. 20¢.

A collection of documents giving accurate information on events during this period.

The Kremlin Speaks. European and British Commonwealth Series 25. Pub. 4264. 37 pp. 15¢.

Excerpts from statements made by the Leaders of the Soviet Union.

The Conflict in Korea. Far Eastern Series 45. Pub. 4266. 36 pp. 15¢.

Events prior to the attack on June 25, 1950.

Point Four Pioneers. Economic Cooperation Series 28. Pub. 4279. 36 pp. 20¢.

Reports from a new frontier—not in terms of strategy and logistics but an inquiry into the human factor.

The United Nations and You. International Organization and Conference Series III, 70. Pub. 4289. 50 pp. 30¢.

Describes relationship between the American community and its citizens and the United Nations and its specialized agencies.

The United Nations and Collective Action Against Aggression. International Organization and Conference Series III, 69. Pub. 4287. x, 48 pp. 20¢.

A discussion guide on the United Nations as an instrument of collective action against aggression with specific reference to Korea.

Check List of Department of State Press Releases: Oct. 29-Nov. 2, 1951

Releases may be obtained from the Office of the Special Assistant for Press Relations, Department of State, Washington 25, D. C. Items marked (*) are not printed in the BULLETIN; items marked (†) will appear in a future issue.

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956†	10/22	Italy signs Torquay protocol
957†	10/22	Indonesia signs Torquay protocol
959	10/23	Anderson: Critique of U.S. policy
960†	10/23	Cowen: Consultant to Secretary
963	10/23	N. Pacific Fisheries Convention
964	10/24	Bavarian radio changes
968	10/25	Snow: Loyalty in government
971†	10/26	Mexican TV frequency assigned
976†	10/29	Housing in Caribbean area
977*	10/29	Anniversary of Turkey
978*	10/29	Visitors to U.S.
979†	10/30	Barnard: IEP program
980†	10/30	National organizations meeting
981	10/30	Joint ICAO meeting
982*	10/30	Baldwin: Cons. Gen. at Malaya
983†	10/30	6th sess. to GATT
984*	10/30	Cambodia: King's birthday
985	10/31	Webb: Communist propaganda
986	10/31	Linder: European trade (revised text)
987*	11/1	Foreign Service changes
988*	11/1	Foreign Service boards
989	11/1	Austrian treaty
990*	11/1	Truman: Italian storm damage
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